

## [COMMITTEE PRINT]

JULY 18, 2003

### [Showing the amendments adopted by the Subcommittee on Water Resources and Environment]

108TH CONGRESS  
1ST SESSION

# H. R. 2557

To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2003

Mr. YOUNG of Alaska (for himself and Mr. DUNCAN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

[Strike out all after the enacting clause and insert the part printed in roman]

[For text of introduced bill, see copy of bill as introduced on June 23, 2003]

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## A BILL

To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.



1        *Be it enacted by the Senate and House of Representa-*  
 2        *tives of the United States of America in Congress assembled,*

3        **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4        (a) SHORT TITLE.—This Act may be cited as the  
 5        “Water Resources Development Act of 2003”.

6        (b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

Sec. 2. Definition of secretary.

TITLE I—WATER RESOURCES PROJECTS

Sec. 1001. Project authorizations.

Sec. 1002. Small projects for flood damage reduction.

Sec. 1003. Small projects for emergency streambank protection.

Sec. 1004. Small projects for navigation.

Sec. 1005. Small projects for improvement of the quality of the environment.

Sec. 1006. Small projects for aquatic ecosystem restoration.

Sec. 1007. Small projects for shoreline protection.

Sec. 1008. Small projects for snagging and sediment removal.

TITLE II—GENERAL PROVISIONS

Sec. 2001. Annual passes for recreation.

Sec. 2002. Non-Federal contributions.

Sec. 2003. Harbor cost sharing.

Sec. 2004. Funding to process permits.

Sec. 2005. National shoreline erosion control development and demonstration  
program.

Sec. 2006. Written agreement for water resources projects.

Sec. 2007. Assistance for remediation, restoration, and reuse.

Sec. 2008. Compilation of laws.

Sec. 2009. Dredged material disposal.

Sec. 2010. Wetlands mitigation.

Sec. 2011. Remote and subsistence harbors.

Sec. 2012. Beneficial uses of dredged material.

Sec. 2013. Cost sharing provisions for certain areas.

Sec. 2014. Revision of project partnership agreement.

Sec. 2015. Cost sharing.

Sec. 2016. Credit for work performed before partnership agreement.

Sec. 2017. Recreation user fee revenues.

Sec. 2018. Expedited actions for emergency flood damage reduction.

Sec. 2019. Watershed and river basin assessments.

Sec. 2020. Tribal partnership program.

Sec. 2021. Treatment of certain separable elements.

Sec. 2022. Prosecution of work.

Sec. 2023. Wildfire firefighting.

Sec. 2024. Credit for non-construction services.

Sec. 2025. Technical assistance.

Sec. 2026. Centers of specialized planning expertise.



- Sec. 2027. Coordination and scheduling of Federal, State, and local actions.
- Sec. 2028. Project streamlining.
- Sec. 2029. Lakes program.
- Sec. 2030. Fish and wildlife mitigation.
- Sec. 2031. Cooperative agreements.

## TITLE III—PROJECT-RELATED PROVISIONS

- Sec. 3001. Cook Inlet, Alaska.
- Sec. 3002. King Cove Harbor, Alaska.
- Sec. 3003. Sitka, Alaska.
- Sec. 3004. Tatilek, Alaska.
- Sec. 3005. Nogales Wash and tributaries, Arizona.
- Sec. 3006. Grand Prairie Region and Bayou Meto Basin, Arkansas.
- Sec. 3007. Saint Francis Basin, Arkansas.
- Sec. 3008. American and Sacramento Rivers, California.
- Sec. 3009. Cache Creek Basin, California.
- Sec. 3010. Grayson Creek/Murderer's Creek, California.
- Sec. 3011. John F. Baldwin Ship Channel and Stockton Ship Channel, California.
- Sec. 3012. Los Angeles Harbor, Los Angeles, California.
- Sec. 3013. Larkspur Ferry Channel, Larkspur, California.
- Sec. 3014. Napa River Salt Marsh Restoration, Napa River, California.
- Sec. 3015. Pacific Flyway Center, Sacramento, California.
- Sec. 3016. Pinole Creek, California.
- Sec. 3017. Prado Dam, California.
- Sec. 3018. Sacramento Deep Water Ship Channel, California.
- Sec. 3019. Sacramento River, Glenn-Colusa, California.
- Sec. 3020. San Lorenzo River, California.
- Sec. 3021. Upper Guadalupe River, California.
- Sec. 3022. Walnut Creek Channel, California.
- Sec. 3023. Wildcat/San Pablo Creek Phase I, California.
- Sec. 3024. Wildcat/San Pablo Creek Phase II, California.
- Sec. 3025. Brevard County, Florida.
- Sec. 3026. Broward County and Hillsboro Inlet, Florida.
- Sec. 3027. Gasparilla and Estero Islands, Florida.
- Sec. 3028. Lido Key Beach, Sarasota, Florida.
- Sec. 3029. Manatee Harbor, Florida.
- Sec. 3030. Tampa Harbor, Florida.
- Sec. 3031. Tampa Harbor-Big Bend Channel, Florida.
- Sec. 3032. Miami Harbor, Florida.
- Sec. 3033. Little Wood River, Gooding, Idaho.
- Sec. 3034. Hennepin-Hopper Lakes, Illinois.
- Sec. 3035. Mississippi River and Big Muddy River, Illinois.
- Sec. 3036. Spunky Bottoms, Illinois.
- Sec. 3037. Emiquon, Illinois.
- Sec. 3038. Little Calumet River, Indiana.
- Sec. 3039. White River, Indiana.
- Sec. 3040. Wolf Lake, Indiana.
- Sec. 3041. Prestonsburg, Kentucky.
- Sec. 3042. Amite River and tributaries, Louisiana, East Baton Rouge Parish Watershed.
- Sec. 3043. Atchafalaya Basin, Louisiana.
- Sec. 3044. Public access, Atchafalaya Basin Floodway System, Louisiana.



- Sec. 3045. J. Bennett Johnston Waterway, Mississippi River to Shreveport, Louisiana.
- Sec. 3046. Mississippi Delta Region, Louisiana.
- Sec. 3047. New Orleans to Venice, Louisiana.
- Sec. 3048. West Bank of the Mississippi River (East of Harvey Canal), Louisiana.
- Sec. 3049. Camp Ellis, Saco, Maine.
- Sec. 3050. Union River, Maine.
- Sec. 3051. Cass River, Spaulding Township, Michigan.
- Sec. 3052. Detroit River Shoreline, Detroit, Michigan.
- Sec. 3053. Water Resources Institute, Muskegon, Michigan.
- Sec. 3054. Saginaw River, Bay City, Michigan.
- Sec. 3055. Ada, Minnesota.
- Sec. 3056. Duluth Harbor, McQuade Road, Minnesota.
- Sec. 3057. Grand Portage Harbor, Minnesota.
- Sec. 3058. Granite Falls, Minnesota.
- Sec. 3059. Minneapolis, Minnesota.
- Sec. 3060. Red Lake River, Minnesota.
- Sec. 3061. Silver Bay, Minnesota.
- Sec. 3062. Taconite Harbor, Minnesota.
- Sec. 3063. Two Harbors, Minnesota.
- Sec. 3064. Deer Island, Harrison County, Mississippi.
- Sec. 3065. Bois Brule Drainage and Levee District, Missouri.
- Sec. 3066. Sand Creek Watershed, Wahoo, Nebraska.
- Sec. 3067. Alamogordo, New Mexico.
- Sec. 3068. Orchard Beach, Bronx, New York.
- Sec. 3069. Times Beach, Buffalo, New York.
- Sec. 3070. Port of New York and New Jersey, New York and New Jersey.
- Sec. 3071. New York State Canal System.
- Sec. 3072. Arcadia Lake, Oklahoma.
- Sec. 3073. Willamette River Temperature Control, McKenzie Subbasin, Oregon.
- Sec. 3074. French Creek, Union City Dam, Pennsylvania.
- Sec. 3075. Lackawanna River at Olyphant, Pennsylvania.
- Sec. 3076. Lackawanna River at Scranton, Pennsylvania.
- Sec. 3077. Raystown Lake, Pennsylvania.
- Sec. 3078. Sheraden Park Stream and Chartiers Creek, Allegheny County, Pennsylvania.
- Sec. 3079. Solomon's Creek, Wilkes-Barre, Pennsylvania.
- Sec. 3080. South Central Pennsylvania.
- Sec. 3081. Wyoming Valley, Pennsylvania.
- Sec. 3082. Little Limestone Creek, Jonesborough, Tennessee.
- Sec. 3083. Lake Kemp, Texas.
- Sec. 3084. Lower Rio Grande Basin, Texas.
- Sec. 3085. North Padre Island, Corpus Christi Bay, Texas.
- Sec. 3086. Proctor Lake, Texas.
- Sec. 3087. San Antonio Channel, San Antonio, Texas.
- Sec. 3088. Elizabeth River, Chesapeake, Virginia.
- Sec. 3089. Roanoke River Upper Basin, Virginia.
- Sec. 3090. Blair and Siteum Waterways, Tacoma Harbor, Washington.
- Sec. 3091. Greenbrier River Basin, West Virginia.
- Sec. 3092. Manitowoc Harbor, Wisconsin.
- Sec. 3093. Mississippi River Headwaters Reservoirs.
- Sec. 3094. Continuation of project authorizations.
- Sec. 3095. Project reauthorizations.
- Sec. 3096. Project deauthorizations.



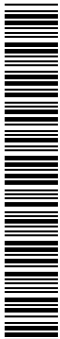
- Sec. 3097. Land conveyances.
- Sec. 3098. Extinguishment of reversionary interests and use restrictions.
- Sec. 3099. Land exchange, disposal and acquisition of lands, Allatoona Lake, Georgia.

## TITLE IV—STUDIES

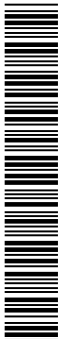
- Sec. 4001. John Glenn Great Lakes basin program.
- Sec. 4002. St. George Harbor, Alaska.
- Sec. 4003. Searcy County, Arkansas.
- Sec. 4004. Upper Mississippi River and Illinois Waterway, Illinois, Iowa, Minnesota, Missouri, and Wisconsin.
- Sec. 4005. Hamilton, California.
- Sec. 4006. Oceanside, California.
- Sec. 4007. Sacramento River, California.
- Sec. 4008. San Francisco Bay, Sacramento-San Joaquin Delta, California.
- Sec. 4009. Tybee Island, Georgia.
- Sec. 4010. Calumet Harbor, Illinois.
- Sec. 4011. Paducah, Kentucky.
- Sec. 4012. Bastrop-Morehouse Parish, Louisiana.
- Sec. 4013. West Feliciana Parish, Louisiana.
- Sec. 4014. City of Mackinac Island, Michigan.
- Sec. 4015. Chicago, Illinois.
- Sec. 4016. South Branch, Chicago River, Chicago, Illinois.
- Sec. 4017. Northeast Mississippi.
- Sec. 4018. Arthur Kill Channel and Morses Creek to Perth Amboy, New Jersey.
- Sec. 4019. Pueblo of Zuni, New Mexico.
- Sec. 4020. Hudson-Raritan Estuary, New York and New Jersey.
- Sec. 4021. Sac and Fox Nation, Oklahoma.
- Sec. 4022. Sutherlin, Oregon.
- Sec. 4023. Tillamook Bay and Bar, Oregon.
- Sec. 4024. Ecosystem restoration and fish passage improvements, Oregon.
- Sec. 4025. Northeastern Pennsylvania aquatic ecosystem restoration and protection.
- Sec. 4026. Georgetown and Williamsburg Counties, South Carolina.
- Sec. 4027. Sabine Pass to Galveston Bay, Texas.
- Sec. 4028. Grand County and Moab, Utah.
- Sec. 4029. Chehalis River Basin, Washington.
- Sec. 4030. Sprague, Lincoln County, Washington.
- Sec. 4031. Monongahela River Basin, Northern West Virginia.
- Sec. 4032. Wauwatosa, Wisconsin.

## TITLE V—MISCELLANEOUS PROVISIONS

- Sec. 5001. Maintenance of navigation channels.
- Sec. 5002. Watershed management.
- Sec. 5003. Dam safety.
- Sec. 5004. Structural integrity evaluations.
- Sec. 5005. Flood mitigation priority areas.
- Sec. 5006. Additional assistance for authorized projects.
- Sec. 5007. Expedited completion of reports and construction for certain projects.
- Sec. 5008. Expedited completion of reports for certain projects.
- Sec. 5009. Southeastern water resources assessment.
- Sec. 5010. Upper Mississippi River environmental management program.



- Sec. 5011. Missouri and Middle Mississippi Rivers enhancement project.  
Sec. 5012. Membership of Missouri River Trust.  
Sec. 5013. Great Lakes fishery and ecosystem restoration.  
Sec. 5014. Susquehanna, Delaware, and Potomac River basins.  
Sec. 5015. Chesapeake Bay environmental restoration and protection program.  
Sec. 5016. Montgomery, Alabama.  
Sec. 5017. Pinhook Creek, Huntsville, Alabama.  
Sec. 5018. Alaska.  
Sec. 5019. Akutan Small Boat Harbor, Alaska.  
Sec. 5020. Lowell Creek Tunnel, Seward, Alaska.  
Sec. 5021. St. Herman and St. Paul Harbors, Kodiak, Alaska.  
Sec. 5022. Augusta and Clarendon, Arkansas.  
Sec. 5023. Loomis Landing, Arkansas.  
Sec. 5024. McClellan-Kerr Arkansas River navigation project, Arkansas and Oklahoma.  
Sec. 5025. St. Francis River Basin, Arkansas and Missouri.  
Sec. 5026. Cambria, California.  
Sec. 5027. East San Joaquin County, California.  
Sec. 5028. Sacramento Area, California.  
Sec. 5029. San Francisco, California.  
Sec. 5030. San Francisco, California, waterfront area.  
Sec. 5031. Stockton, California.  
Sec. 5032. Charles Hervey Townshend Breakwater, Connecticut.  
Sec. 5033. Everglades restoration, Florida.  
Sec. 5034. Florida Keys water quality improvements.  
Sec. 5035. Lake Worth, Florida.  
Sec. 5036. Lake Lanier, Georgia.  
Sec. 5037. Riley Creek recreation area, Idaho.  
Sec. 5038. Grand Tower drainage and levees, Grand Tower Township, Illinois.  
Sec. 5039. Kaskaskia River basin, Illinois, restoration.  
Sec. 5040. Natalie Creek, Midlothian and Oak Forest, Illinois.  
Sec. 5041. Peoria riverfront development, Peoria, Illinois.  
Sec. 5042. Illinois River basin restoration.  
Sec. 5043. Calumet region, Indiana.  
Sec. 5044. Rathbun Lake, Iowa.  
Sec. 5045. Cumberland River Basin, Kentucky.  
Sec. 5046. Mayfield Creek and tributaries, Kentucky.  
Sec. 5047. North Fork, Kentucky River, Breathitt County, Kentucky.  
Sec. 5048. Southern and Eastern Kentucky.  
Sec. 5049. Coastal Louisiana ecosystem protection and restoration.  
Sec. 5050. Baton Rouge, Louisiana.  
Sec. 5051. West Baton Rouge Parish, Louisiana.  
Sec. 5052. Chesapeake Bay shoreline, Maryland, Virginia, Pennsylvania, and Delaware.  
Sec. 5053. Delmarva conservation corridor, Maryland.  
Sec. 5054. Detroit River, Michigan.  
Sec. 5055. Oakland County, Michigan.  
Sec. 5056. St. Clair River and Lake St. Clair, Michigan.  
Sec. 5057. Garrison and Kathio Township, Minnesota.  
Sec. 5058. Northeastern Minnesota.  
Sec. 5059. Desoto County, Mississippi.  
Sec. 5060. Mississippi River, Missouri, and Illinois.  
Sec. 5061. St. Louis, Missouri.  
Sec. 5062. Hackensack Meadowlands area, New Jersey.  
Sec. 5063. Atlantic Coast of New York.



- Sec. 5064. College Point, New York City, New York.
- Sec. 5065. Flushing Bay and Creek, New York City, New York.
- Sec. 5066. Little Neck Bay, Village of Kings Point, New York.
- Sec. 5067. Onondaga Lake, New York.
- Sec. 5068. John H. Kerr Dam and Reservoir, North Carolina.
- Sec. 5069. Stanly County, North Carolina.
- Sec. 5070. Piedmont Lake Dam, Ohio.
- Sec. 5071. Waurika Lake, Oklahoma.
- Sec. 5072. Columbia River, Oregon.
- Sec. 5073. Eugene, Oregon.
- Sec. 5074. John Day Lock and Dam, Lake Umatilla, Oregon and Washington.
- Sec. 5075. Lowell, Oregon.
- Sec. 5076. Hagerman's Run, Williamsport, Pennsylvania.
- Sec. 5077. Northeast Pennsylvania.
- Sec. 5078. Susquehannock Campground access road, Raystown Lake, Pennsylvania.
- Sec. 5079. Upper Susquehanna River basin, Pennsylvania and New York.
- Sec. 5080. Washington, Greene, Westmoreland, and Fayette Counties, Pennsylvania.
- Sec. 5081. Cano Martin Pena, San Juan, Puerto Rico.
- Sec. 5082. Beaufort and Jasper Counties, South Carolina.
- Sec. 5083. Lakes Marion and Moultrie, South Carolina.
- Sec. 5084. Upper Big Sioux River, Watertown, South Dakota.
- Sec. 5085. Fritz Landing, Tennessee.
- Sec. 5086. Memphis, Tennessee.
- Sec. 5087. Town Creek, Lenoir City, Tennessee.
- Sec. 5088. Tennessee River partnership.
- Sec. 5089. Clear Creek and tributaries, Harris, Galveston, and Brazoria Counties, Texas.
- Sec. 5090. Harris County, Texas.
- Sec. 5091. Harris Gully, Harris County, Texas.
- Sec. 5092. Onion Creek, Texas.
- Sec. 5093. Pelican Island, Texas.
- Sec. 5094. Front Royal, Virginia.
- Sec. 5095. Richmond National Battlefield Park, Richmond, Virginia.
- Sec. 5096. Baker Bay and Ilwaco Harbor, Washington.
- Sec. 5097. Chehalis River, Centralia, Washington.
- Sec. 5098. Hamilton Island Campground, Washington.
- Sec. 5099. Puget Island, Washington.
- Sec. 5100. Bluestone, West Virginia.
- Sec. 5101. West Virginia and Pennsylvania flood control.
- Sec. 5102. Lower Kanawha River Basin, West Virginia.
- Sec. 5103. Central West Virginia.
- Sec. 5104. Southern West Virginia.
- Sec. 5105. Construction of flood control projects by non-Federal interests.
- Sec. 5106. Bridge authorization.
- Sec. 5107. Additional assistance for critical projects.

## 1 **SEC. 2. DEFINITION OF SECRETARY.**

- 2       In this Act, the term "Secretary" means the Sec-
- 3       retary of the Army.



1       **TITLE I—WATER RESOURCES**  
2                   **PROJECTS**

3   **SEC. 1001. PROJECT AUTHORIZATIONS.**

4       Except as otherwise provided in this section, the fol-  
5   lowing projects for water resources development and con-  
6   servation and other purposes are authorized to be carried  
7   out by the Secretary substantially in accordance with the  
8   plans, and subject to the conditions, described in the re-  
9   spective reports designated in this section:

10           (1)   AMERICAN RIVER WATERSHED, CALI-  
11       FORNIA.—The project for flood damage reduction  
12       and environmental restoration, American River Wa-  
13       tershed, California: Report of the Chief of Engi-  
14       neers, dated November 5, 2002, at a total cost of  
15       \$257,300,000, with an estimated Federal cost of  
16       \$201,200,000 and an estimated non-Federal cost of  
17       \$56,100,000; except that the Secretary is authorized  
18       to accept funds from State and local governments  
19       and other Federal agencies for the purpose of con-  
20       structing a permanent bridge instead of the tem-  
21       porary bridge described in the recommended plan  
22       and may construct such permanent bridge if all ad-  
23       ditional costs for such bridge, above the \$36,000,000  
24       provided for in the recommended plan for bridge





1 construction, are provided by such governments or  
2 agencies.

3 (2) PINE FLAT DAM AND RESERVOIR, CALI-  
4 FORNIA.—The project for environmental restoration,  
5 Pine Flat Dam and Reservoir, Fresno County, Cali-  
6 fornia: Report of the Chief of Engineers, dated July  
7 19, 2002, at a total cost of \$38,489,000, with an es-  
8 timated Federal cost of \$24,930,000 and an esti-  
9 mated non-Federal cost of \$13,550,000.

10 (3) SOUTH PLATTE RIVER, DENVER, COLO-  
11 RADO.—The project for environmental restoration  
12 Denver County Reach, South Platte River, Denver,  
13 Colorado: Report of the Chief of Engineers, dated  
14 May 16, 2003, at a total cost of \$17,997,000, with  
15 an estimated Federal cost of \$11,698,000 and an es-  
16 timated non-Federal cost of \$6,299,000.

17 (4) MORGANZA TO THE GULF OF MEXICO, LOU-  
18 ISIANA.—

19 (A) IN GENERAL.—The project for hurri-  
20 cane and storm damage reduction, Morganza to  
21 the Gulf of Mexico, Louisiana: Report of the  
22 Chief of Engineers, dated August 23, 2002, at  
23 a total cost of \$719,00,000, with an estimated  
24 Federal cost of \$467,000,000 and an estimated  
25 non-Federal cost of \$252,000,000.

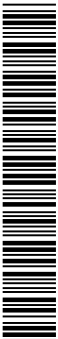


1 (B) CREDIT.—The Secretary shall credit  
2 toward the non-Federal share of the cost of the  
3 project the cost of work carried out by the non-  
4 Federal interest for interim flood protection  
5 after March 31, 1989, if the Secretary deter-  
6 mines that the work is integral to the project.

7 (5) SMITH ISLAND, MARYLAND.—The project  
8 for environmental restoration and protection, Smith  
9 Island, Maryland: Report of the Chief of Engineers,  
10 dated October 29, 2001, at a total cost of  
11 \$8,000,000, with an estimated Federal cost of  
12 \$5,200,000 and an estimated non-Federal cost of  
13 \$2,800,000.

14 (6) CORPUS CHRISTI SHIP CHANNEL, CORPUS  
15 CHRISTI, TEXAS.—The project for navigation and  
16 environmental restoration, Corpus Christi Ship  
17 Channel, Texas, Channel Improvement Project: Re-  
18 port of the Chief of Engineers dated June 2, 2003,  
19 at a total cost of \$153,808,000, with an estimated  
20 Federal cost of \$73,554,000 and an estimated non-  
21 Federal cost of \$80,254,000.

22 (7) MATAGORDA BAY, TEXAS.—The project for  
23 navigation, Gulf Intracoastal Waterway, Brazos  
24 River to Port O'Connor, Matagorda Bay Re-Route,  
25 Texas: Report of the Chief of Engineers, dated De-



1 cember 4, 2002, at a total cost of \$14,515,000. The  
2 costs of construction of the project are to be paid 1/2  
3 from amounts appropriated from the general fund of  
4 the Treasury and 1/2 from amounts appropriated  
5 from the Inland Waterways Trust Fund.

6 (8) RIVERSIDE OXBOW, FORT WORTH, TEXAS.—

7 (A) IN GENERAL.—The project for envi-  
8 ronmental restoration, Riverside Oxbow, Fort  
9 Worth, Texas: Report of the Chief of Engineers  
10 dated May 29, 2003, at a total cost of  
11 \$22,200,000, with an estimated Federal cost of  
12 \$9,180,000 and an estimated non-Federal cost  
13 of \$13,020,000.

14 (B) CREDIT.—The Secretary shall credit  
15 toward the non-Federal share of the cost of the  
16 project the cost of design and construction work  
17 carried out on the Beach Street Dam and asso-  
18 ciated features by the non-Federal interest be-  
19 fore the date of the partnership agreement for  
20 the project if the Secretary determines that the  
21 work is integral to the project.

22 (9) DEEP CREEK, CHESAPEAKE, VIRGINIA.—

23 The project for the Atlantic Intracoastal Waterway  
24 Bridge Replacement, Deep Creek, Chesapeake, Vir-



1       ginia: Report of the Chief of Engineers, dated March  
2       3, 2003, at a total cost of \$22,178,000.

3   **SEC. 1002. SMALL PROJECTS FOR FLOOD DAMAGE REDUC-**  
4                   **TION.**

5       (a) IN GENERAL.—The Secretary shall conduct a  
6   study for each of the following projects and, if the Sec-  
7   retary determines that a project is feasible, may carry out  
8   the project under section 205 of the Flood Control Act  
9   of 1948 (33 U.S.C. 701s):

10           (1) CACHE RIVER BASIN, GRUBBS, ARKANSAS.—  
11   Project for flood damage reduction, Cache River  
12   basin, Grubbs, Arkansas.

13           (2) SANTA ANA RIVER BASIN AND ORANGE  
14   COUNTY STREAMS, CALIFORNIA.—Project for flood  
15   damage reduction, Santa Ana River basin and Or-  
16   ange County streams, California.

17           (3) STONY CREEK, OAK LAWN, ILLINOIS.—  
18   Project for flood damage reduction, Stony Creek,  
19   Oak Lawn, Illinois.

20           (4) OLIVE HILL AND VICINITY, KENTUCKY.—  
21   Project for flood damage reduction, Olive Hill and  
22   vicinity, Kentucky.

23           (5) NASHUA RIVER, FITCHBURG, MASSACHU-  
24   SETTS.—Project for flood damage reduction, Nashua  
25   River, Fitchburg, Massachusetts.



1           (6) SAGINAW RIVER, HAMILTON DAM, FLINT,  
2           MICHIGAN.—Project for flood damage reduction,  
3           Saginaw River, Hamilton Dam, Flint, Michigan.

4           (7) MARSH CREEK, MINNESOTA.—Project for  
5           flood damage reduction, Marsh Creek, Minnesota.

6           (8) ROSEAU RIVER, ROSEAU, MINNESOTA.—  
7           Project for flood damage reduction, Roseau River,  
8           Roseau, Minnesota.

9           (9) SOUTH BRANCH OF THE WILD RICE RIVER,  
10          BORUP, MINNESOTA.—Project for flood damage re-  
11          duction, South Branch of the Wild Rice River,  
12          Borup, Minnesota.

13          (10) TWIN VALLEY LAKE, WILD RICE RIVER,  
14          MINNESOTA.—Project for flood damage reduction,  
15          Twin Valley Lake, Wild Rice River, Minnesota.

16          (11) BLACKSNAKE CREEK, ST. JOSEPH, MIS-  
17          SOURI.—Project for flood damage reduction, Black-  
18          snake Creek, St. Joseph, Missouri.

19          (12) MCKEEL BROOK, NEW JERSEY.—Project  
20          for flood damage reduction, McKeel Brook, New  
21          Jersey.

22          (13) EAST RIVER, SILVER BEACH, NEW YORK  
23          CITY, NEW YORK.—Project for flood damage reduc-  
24          tion, East River, Silver Beach, New York City, New  
25          York.



1           (14) RAMAPO RIVER, TOWN OF MONROE AND  
2           VILLAGES OF MONROE, KIRYAS JOEL, AND HAR-  
3           RIMAN, NEW YORK.—Project for flood damage re-  
4           duction, Ramapo River, Town of Monroe and Vil-  
5           lages of Monroe, Kiryas Joel, and Harriman, New  
6           York.

7           (15) LITTLE MILL CREEK, SOUTHAMPTON,  
8           PENNSYLVANIA.—Project for flood damage reduc-  
9           tion, Little Mill Creek, Southampton, Pennsylvania.

10          (16) LITTLE NESHAMINY CREEK, WARRENTON,  
11          PENNSYLVANIA.—Project for flood damage reduc-  
12          tion, Little Neshaminy Creek, Warrenton, Pennsyl-  
13          vania.

14          (17) SURFSIDE BEACH, SOUTH CAROLINA.—  
15          Project for flood damage reduction, Surfside Beach  
16          and vicinity, South Carolina.

17          (b) SPECIAL RULES.—In carrying out the project for  
18          flood damage reduction, South Branch of the Wild Rice  
19          River, Borup, Minnesota, referred to in subsection (a)(9)  
20          the Secretary may consider national ecosystem restoration  
21          benefits in determining the Federal interest in the project  
22          and shall allow the non-Federal interest to participate in  
23          the financing of the project in accordance with section  
24          903(c) of the Water Resources Development Act of 1986  
25          (100 Stat. 4184) to the extent that the Secretary's evalua-



tion indicates that applying such section is necessary to implement the project.

**SEC. 1003. SMALL PROJECTS FOR EMERGENCY  
STREAMBANK PROTECTION.**

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r):

(1) OUACHITA AND BLACK RIVERS, ARKANSAS.—Project for emergency streambank protection, Ouachita and Black Rivers, Arkansas.

(2) MELVINA DITCH, CHICAGO RIDGE, ILLINOIS.—Project for emergency streambank protection for the east side of Melvina Ditch in the vicinity of 96th Street and Nashville Avenue, Chicago Ridge, Illinois.

(3) MIDDLE FORK GRAND RIVER, GENTRY COUNTY, MISSOURI.—Project for emergency streambank protection, Middle Fork Grand River, Gentry County, Missouri.

(4) SHREWSBURY RIVER, RUMSON, NEW JERSEY.—Project for emergency streambank protection, Shrewsbury River, Rumson, New Jersey.



1           (5) KOWAWESE UNIQUE AREA AND HUDSON  
2       RIVER, NEW WINDSOR, NEW YORK.—Project for  
3       emergency streambank protection, Kowawese Unique  
4       Area and Hudson River, New Windsor, New York.

5   **SEC. 1004. SMALL PROJECTS FOR NAVIGATION.**

6       The Secretary shall conduct a study for each of the  
7       following projects and, if the Secretary determines that  
8       a project is feasible, may carry out the project under sec-  
9       tion 107 of the River and Harbor Act of 1960 (33 U.S.C.  
10      577):

11           (1) BLYTHEVILLE COUNTY HARBOR, ARKAN-  
12       SAS.—Project for navigation, Blytheville County  
13       Harbor, Arkansas.

14           (2) EVANSTON, ILLINOIS.—Project for naviga-  
15       tion, Evanston, Illinois.

16           (3) NIAGARA FRONTIER TRANSPORTATION AU-  
17       THORITY BOAT HARBOR, BUFFALO, NEW YORK.—  
18       Project for navigation, Niagara Frontier Transpor-  
19       tation Authority Boat Harbor, Buffalo, New York.

20           (4) WOODLAWN MARINA, LACKAWANNA, NEW  
21       YORK.—Project for navigation, Woodlawn Marina,  
22       Lackawanna, New York.

23           (5) BAKER BAY AND ILWACO HARBOR, WASH-  
24       INGTON.—Project for navigation, Baker Bay and  
25       Ilwaco Harbor, Washington.





1   **SEC. 1005. SMALL PROJECTS FOR IMPROVEMENT OF THE**  
2                   **QUALITY OF THE ENVIRONMENT.**

3           The Secretary shall conduct a study for the following  
4 project and, if the Secretary determines that the project  
5 is appropriate, may carry out the project under section  
6 1135 of the Water Resources Development Act of 1986  
7 (33 U.S.C. 2309a):

8           (1) SMITHVILLE LAKE, MISSOURI.—Project for  
9 improvement of the quality of the environment,  
10 Smithville Lake, Missouri.

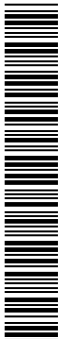
11   **SEC. 1006. SMALL PROJECTS FOR AQUATIC ECOSYSTEM**  
12                   **RESTORATION.**

13           The Secretary shall conduct a study for each of the  
14 following projects and, if the Secretary determines that  
15 a project is appropriate, may carry out the project under  
16 section 206 of the Water Resources Development Act of  
17 1996 (33 U.S.C. 2330):

18           (1) COLORADO RIVER, YUMA, ARIZONA.—  
19 Project for aquatic ecosystem restoration, Colorado  
20 River, Yuma, Arizona.

21           (2) CHINO VALLEY, CALIFORNIA.—Project for  
22 aquatic ecosystem restoration, Chino Valley, Cali-  
23 fornia.

24           (3) NEW AND ALAMO RIVERS, IMPERIAL COUN-  
25 TY, CALIFORNIA.—Project for aquatic ecosystem res-  
26 toration, New and Alamo Rivers, Imperial County,



1 California, including efforts to address invasive  
2 aquatic plant species.

3 (4) SAN DIEGO RIVER, CALIFORNIA.—Project  
4 for aquatic ecosystem restoration, San Diego River,  
5 California, including efforts to address invasive  
6 aquatic plant species.

7 (5) STOCKTON DEEP WATER SHIP CHANNEL  
8 AND LOWER SAN JOAQUIN RIVER, CALIFORNIA.—  
9 Project for aquatic ecosystem restoration, Stockton  
10 Deep Water Ship Channel and lower San Joaquin  
11 River, California.

12 (6) SWEETWATER RESERVOIR, SAN DIEGO  
13 COUNTY, CALIFORNIA.—Project for aquatic eco-  
14 system restoration, Sweetwater Reservoir, San Diego  
15 County, California, including efforts to address  
16 invasive aquatic plant species.

17 (7) BISCAYNE BAY, FLORIDA.—Project for  
18 aquatic ecosystem restoration, Biscayne Bay, Key  
19 Biscayne, Florida.

20 (8) DESTIN HARBOR, FLORIDA.—Project for  
21 aquatic ecosystem restoration, Destin Harbor, Flor-  
22 ida.

23 (9) CHATTAHOOCHEE RIVER, COLUMBUS, GEOR-  
24 GIA, AND PHENIX CITY, ALABAMA.—Project for  
25 aquatic ecosystem restoration, City Mills Dam and



1 Eagle and Phenix Dam, Chattahoochee River, Co-  
2 lumbus, Georgia, and Phenix City, Alabama.

3 (10) CHATTAHOOCHEE RIVER AND OCMULGEE  
4 RIVER BASINS, GEORGIA.—Project for aquatic eco-  
5 system restoration, Chattahoochee River and  
6 Ocmulgee River basins, Gwinnett County, Georgia.

7 (11) SNAKE RIVER, JEROME, IDAHO.—Project  
8 for aquatic ecosystem restoration, Snake River, Je-  
9 rome, Idaho.

10 **SEC. 1007. SMALL PROJECTS FOR SHORELINE PROTEC-**  
11 **TION.**

12 The Secretary shall conduct a study for the following  
13 project and, if the Secretary determines that the project  
14 is feasible, may carry out the project under section 3 of  
15 the Act entitled “An Act authorizing Federal participation  
16 in the cost of protecting the shores of publicly owned prop-  
17 erty”, approved August 13, 1946 (33 U.S.C. 426g):

18 (1) NELSON LAGOON, ALASKA.—Project for  
19 shoreline protection, Nelson Lagoon, Alaska.

20 **SEC. 1008. SMALL PROJECTS FOR SNAGGING AND SEDI-**  
21 **MENT REMOVAL.**

22 The Secretary shall conduct a study for each of the  
23 following projects and, if the Secretary determines that  
24 a project is feasible, the Secretary may carry out the



1 project under section 2 of the Flood Control Act of August  
2 28, 1937 (33 U.S.C. 701g):

3 (1) KOWAWESE UNIQUE AREA AND HUDSON  
4 RIVER, NEW WINDSOR, NEW YORK.—Project for re-  
5 moval of snags and clearing and straightening of  
6 channels for flood control, Kowawese Unique Area  
7 and Hudson River, New Windsor, New York.

## 8 **TITLE II—GENERAL PROVISIONS**

### 9 **SEC. 2001. ANNUAL PASSES FOR RECREATION.**

10 Section 208(c)(4) of the Water Resources Develop-  
11 ment Act of 1996 (16 U.S.C. 460d–3 note; 110 Stat.  
12 3681; 113 Stat. 294) is amended by striking “the Decem-  
13 ber 31, 2003” and inserting “December 31, 2004”.

### 14 **SEC. 2002. NON-FEDERAL CONTRIBUTIONS.**

15 Section 103 of the Water Resources Development Act  
16 of 1986 (33 U.S.C. 2213) is amended by adding at the  
17 end the following:

18 “(n) NON-FEDERAL CONTRIBUTIONS.—

19 “(1) PROHIBITION ON SOLICITATION OF EX-  
20 CESS CONTRIBUTIONS.—The Secretary may not so-  
21 licit contributions from non-Federal interests for  
22 costs of constructing authorized water resources de-  
23 velopment projects or measures in excess of the non-  
24 Federal share assigned to the appropriate project  
25 purposes listed in subsections (a), (b), and (c) or



1 condition Federal participation in such projects or  
2 measures on the receipt of such contributions.

3 “(2) LIMITATION ON STATUTORY CONSTRUC-  
4 TION.—Nothing in this subsection shall be construed  
5 to affect the Secretary’s authority under section  
6 903(c) of this Act.”.

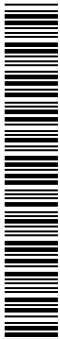
7 **SEC. 2003. HARBOR COST SHARING.**

8 (a) PAYMENTS DURING CONSTRUCTION.—Section  
9 101(a)(1) of the Water Resources Development Act of  
10 1986 (33 U.S.C. 2211(a)(1); 100 Stat. 4082) is amended  
11 in each of subparagraphs (B) and (C) by striking “45  
12 feet” and inserting “53 feet”.

13 (b) OPERATION AND MAINTENANCE.—Section  
14 101(b)(1) of such Act (33 U.S.C. 2211(b)(1)) is amended  
15 by striking “45 feet” and inserting “53 feet”.

16 (c) DEFINITIONS.—Section 214 of such Act (33  
17 U.S.C. 2241; 100 Stat. 4108) is amended in each of para-  
18 graphs (1) and (3) by striking “45 feet” and inserting  
19 “53 feet”.

20 (d) APPLICABILITY.—The amendments made by sub-  
21 sections (a), (b), and (c) shall apply only to a project, or  
22 separable element of a project, on which a contract for  
23 physical construction has not been awarded before the  
24 date of enactment of this Act.



1 **SEC. 2004. FUNDING TO PROCESS PERMITS.**

2 Section 214 of the Water Resources Development Act  
3 of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594) is  
4 amended—

5 (1) in subsection (a) by striking “2003” and in-  
6 serting “2005”; and

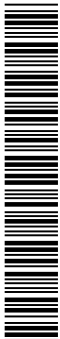
7 (2) by adding at the end of subsection (b) the  
8 following: “The acceptance and expenditure of funds  
9 under subsection (a) shall not affect the order in  
10 which permits are considered or approved by the  
11 Secretary.”.

12 **SEC. 2005. NATIONAL SHORELINE EROSION CONTROL DE-**  
13 **VELOPMENT AND DEMONSTRATION PRO-**  
14 **GRAM.**

15 (a) EXTENSION OF PROGRAM.—Section 5(a) of the  
16 Act entitled “An Act authorizing Federal participation in  
17 the cost of protecting the shores of publicly owned prop-  
18 erty”, approved August 13, 1946 (33 U.S.C. 426h(a)), is  
19 amended by striking “6 years” and inserting “10 years”.

20 (b) EXTENSION OF PLANNING, DESIGN, AND CON-  
21 STRUCTION PHASE.—Section 5(b)(1)(A) of such Act (33  
22 U.S.C. 426h(b)(1)(A)) is amended by striking “3 years”  
23 and inserting “6 years”.

24 (c) COST-SHARING; REMOVAL OF PROJECTS.—Sec-  
25 tion 5(b) of such Act (33 U.S.C. 426h(b)) is amended—



1 (1) by redesignating paragraphs (3) and (4) as  
2 paragraphs (5) and (6), respectively; and

3 (2) by inserting after paragraph (2) the fol-  
4 lowing:

5 “(3) COST SHARING.—The Secretary may enter  
6 into a cost-sharing agreement with a non-Federal in-  
7 terest to carry out a project, or a phase of a project,  
8 under the erosion control program in cooperation  
9 with the non-Federal interest.

10 “(4) REMOVAL OF PROJECTS.—The Secretary  
11 may pay all or a portion of the costs of removing a  
12 project, or an element of a project, constructed  
13 under the erosion control program if the Secretary  
14 determines during the term of the program that the  
15 project or element is detrimental to the environment,  
16 private property, or public safety.”.

17 (d) AUTHORIZATION OF APPROPRIATIONS.—Section  
18 5(e)(2) of such Act (33 U.S.C. 426h(e)(2)) is amended  
19 by striking “\$21,000,000” and inserting “\$31,000,000”.

20 **SEC. 2006. WRITTEN AGREEMENT FOR WATER RESOURCES**  
21 **PROJECTS.**

22 (a) PARTNERSHIP AGREEMENTS.—Section 221 of  
23 the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) is  
24 amended—

25 (1) in subsection (a)—



1 (A) by striking “under the provisions” and  
2 all that follows through “under any other” and  
3 inserting “under any”;

4 (B) by inserting “partnership” after “writ-  
5 ten”;

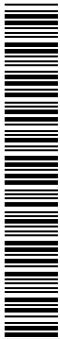
6 (C) by striking “Secretary of the Army to  
7 furnish its required cooperation for” and insert-  
8 ing “district engineer for the district in which  
9 the project will be carried out under which each  
10 party agrees to carry out its responsibilities and  
11 requirements for implementation or construc-  
12 tion of”; and

13 (D) by inserting after “\$25,000.” the fol-  
14 lowing: “Such agreement may include a provi-  
15 sion for liquidated damages in the event of a  
16 failure of one or more parties to perform.”;

17 (2) by redesignating subsection (e) as sub-  
18 section (f); and

19 (3) by inserting after subsection (d) the fol-  
20 lowing:

21 “(e) LIMITATION.—Nothing in subsection (a) shall be  
22 construed as limiting the authority of the Secretary to en-  
23 sure that partnership agreements meet all requirements  
24 of law.”.





1 (b) LOCAL COOPERATION.—Section 912(b) of the  
2 Water Resources Development Act of 1986 (101 Stat.  
3 4190) is amended—

4 (1) in paragraph (2)—

5 (A) by striking “shall” the first place it  
6 appears and inserting “may”; and

7 (B) by striking the last sentence; and

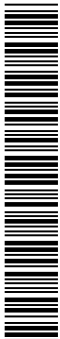
8 (2) in paragraph (4)—

9 (A) by inserting after “injunction, for” the  
10 following: “payment of liquidated damages or,  
11 for”;

12 (B) by striking “to collect a civil penalty  
13 imposed under this section,”; and

14 (C) by striking “any civil penalty imposed  
15 under this section,” and inserting “any liq-  
16 uidated damages,”.

17 (c) APPLICABILITY.—The amendments made by sub-  
18 sections (a) and (b) only apply to partnership agreements  
19 entered into after the date of enactment of this Act; except  
20 that at the request of a non-Federal interest for a project  
21 the district engineer for the district in which the project  
22 is located may amend a project partnership agreement en-  
23 tered into on or before such date and under which con-  
24 struction on the project has not been initiated as of such



1 date of enactment for the purpose of incorporating such  
2 amendments.

3 (d) REFERENCES.—

4 (1) TO COOPERATION AGREEMENTS.—Any ref-  
5 erence in a law, regulation, document, or other  
6 paper of the United States to a cooperation agree-  
7 ment or project cooperation agreement shall be  
8 treated to be a reference to a partnership agreement  
9 or a project partnership agreement, respectively.

10 (2) TO PARTNERSHIP AGREEMENTS.—Any ref-  
11 erence to a partnership agreement or project part-  
12 nership agreement in this Act (other than this sec-  
13 tion) shall be treated as a reference to a cooperation  
14 agreement or a project cooperation agreement, re-  
15 spectively.

16 **SEC. 2007. ASSISTANCE FOR REMEDIATION, RESTORATION,**  
17 **AND REUSE.**

18 (a) IN GENERAL.—The Secretary may provide to  
19 State and local governments assessment, planning, and  
20 design assistance for remediation, environmental restora-  
21 tion, or reuse of areas located within the boundaries of  
22 such State or local governments where such remediation,  
23 environmental restoration, or reuse will contribute to the  
24 improvement of water quality or the conservation of water



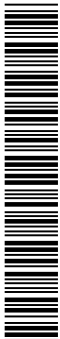
1 and related resources of drainage basins and watersheds  
2 within the United States.

3 (b) NON-FEDERAL SHARE.—The non-Federal share  
4 of the cost of assistance provided under subsection (a)  
5 shall be 50 percent.

6 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
7 authorized to be appropriated to carry out this section  
8 \$30,000,000 for each of fiscal years 2004 through 2008.

9 **SEC. 2008. COMPILATION OF LAWS.**

10 Within one year after the date of enactment of this  
11 Act, the laws of the United States relating to the improve-  
12 ment of rivers and harbors, flood control, beach erosion,  
13 and other water resources development enacted after No-  
14 vember 8, 1966, and before January 1, 2004, shall be  
15 compiled under the direction of the Secretary and the  
16 Chief of Engineers and printed for the use of the Depart-  
17 ment of the Army, Congress, and the general public. The  
18 Secretary shall reprint the volumes containing such laws  
19 enacted before November 8, 1966. In addition, the Sec-  
20 retary shall include an index in each volume so compiled  
21 or reprinted. Not later than December 1, 2004, the Sec-  
22 retary shall transmit at least 25 copies of each such vol-  
23 ume to the Committee on Transportation and Infrastruc-  
24 ture of the House of Representatives and the Committee  
25 on Environment and Public Works of the Senate.



1 **SEC. 2009. DREDGED MATERIAL DISPOSAL.**

2 Section 217 of the Water Resources Development Act  
3 of 1996 (33 U.S.C. 2326a; 110 Stat. 3694–3696) is  
4 amended—

5 (1) by redesignating subsection (c) as sub-  
6 section (d);

7 (2) by inserting after subsection (b) the fol-  
8 lowing:

9 “(c) GOVERNMENTAL PARTNERSHIPS.—

10 “(1) IN GENERAL.—The Secretary may enter  
11 into cost-sharing agreements with 1 or more non-  
12 Federal public interests with respect to a project, or  
13 group of projects within a geographic region if ap-  
14 propriate, for the acquisition, design, construction,  
15 management, or operation of a dredged material  
16 processing, treatment, contaminant reduction, or  
17 disposal facility (including any facility used to dem-  
18 onstrate potential beneficial uses of dredged mate-  
19 rial, which may include effective sediment contami-  
20 nant reduction technologies) using funds provided in  
21 whole or in part by the Federal Government. One or  
22 more of the parties of the agreement may perform  
23 the acquisition, design, construction, management,  
24 or operation of a dredged material processing, treat-  
25 ment, or disposal facility. If appropriate, the Sec-  
26 retary may combine portions of separate construc-



1       tion or maintenance appropriations from separate  
2       Federal projects with the appropriate combined cost-  
3       sharing between the various projects when the facil-  
4       ity serves to manage dredged material from multiple  
5       Federal projects located in the geographic region of  
6       the facility.

7               “(2) PUBLIC FINANCING.—

8                       “(A) AGREEMENTS.—

9                               “(i) SPECIFIED FEDERAL FUNDING  
10                               SOURCES AND COST SHARING.—The cost-  
11                               sharing agreement used shall clearly speci-  
12                               fy the Federal funding sources and com-  
13                               bined cost-sharing when applicable to mul-  
14                               tiple Federal navigation projects and the  
15                               responsibilities and risks of each of the  
16                               parties related to present and future  
17                               dredged material managed by the facility.

18                               “(ii) MANAGEMENT OF SEDIMENTS.—

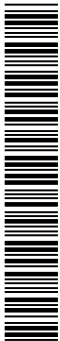
19                               The cost-sharing agreement may include  
20                               the management of sediments from the  
21                               maintenance dredging of Federal naviga-  
22                               tion projects that do not have partnership  
23                               agreements. The cost-sharing agreement  
24                               may allow the non-Federal sponsor to re-  
25                               ceive reimbursable payments from the Fed-



1           eral Government for commitments made by  
2           the sponsor for disposal or placement ca-  
3           pacity at dredged material treatment, proc-  
4           essing, contaminant reduction, or disposal  
5           facilities.

6           “(iii) CREDIT.—The cost-sharing  
7           agreement may allow costs incurred prior  
8           to execution of a partnership agreement  
9           for construction or the purchase of equip-  
10          ment or capacity for the project to be cred-  
11          ited according to existing cost-sharing  
12          rules.

13          “(B) CREDIT.—Nothing in this subsection  
14          supersedes or modifies existing agreements be-  
15          tween the Federal Government and any non-  
16          Federal sponsors for the cost-sharing, construc-  
17          tion, and operation and maintenance of Federal  
18          navigation projects. Subject to the approval of  
19          the Secretary and in accordance with existing  
20          laws, regulations, and policies, a non-Federal  
21          public sponsor of a Federal navigation project  
22          may seek credit for funds provided in the acqui-  
23          sition, design, construction, management, or op-  
24          eration of a dredged material processing, treat-  
25          ment, or disposal facility to the extent the facil-



1           ity is used to manage dredged material from  
2           the Federal navigation project. The non-Federal  
3           sponsor shall be responsible for providing all  
4           necessary lands, easements, rights-of-way, or  
5           relocations associated with the facility and shall  
6           receive credit for these items.”; and

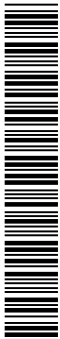
7           (3) in each of subsections (d)(1) and (d)(2)(A),  
8       as so redesignated—

9                       (A) by inserting “and maintenance” after  
10           “operation”; and

11                      (B) by inserting “processing, treatment,  
12           or” after “dredged material” the first place it  
13           appears.

14   **SEC. 2010. WETLANDS MITIGATION.**

15       In carrying out a water resources project that in-  
16       volves wetlands mitigation and that has impacts that occur  
17       within the service area of a mitigation bank, the Secretary,  
18       to the maximum extent practicable and where appropriate,  
19       shall give preference to the use of the mitigation bank if  
20       the bank contains sufficient available credits to offset the  
21       impact and the bank is approved in accordance with the  
22       Federal Guidance for the Establishment, Use and Oper-  
23       ation of Mitigation Banks (60 Fed. Reg. 58605) or other  
24       applicable Federal law (including regulations).



1 **SEC. 2011. REMOTE AND SUBSISTENCE HARBORS.**

2 (a) IN GENERAL.—In conducting a study of harbor  
3 and navigation improvements, the Secretary may rec-  
4 ommend a project without the need to demonstrate that  
5 the project is justified solely by national economic develop-  
6 ment benefits if the Secretary determines that—

7 (1)(A) the community to be served by the  
8 project is at least 70 miles from the nearest surface  
9 accessible commercial port and has no direct rail or  
10 highway link to another community served by a sur-  
11 face accessible port or harbor; or

12 (B) the project would be located in the Com-  
13 monwealth of Puerto Rico, Guam, the Common-  
14 wealth of the Northern Mariana Islands, or Amer-  
15 ican Samoa;

16 (2) the harbor is economically critical such that  
17 over 80 percent of the goods transported through  
18 the harbor would be consumed within the community  
19 served by the harbor and navigation improvement;  
20 and

21 (3) the long-term viability of the community  
22 would be threatened without the harbor and naviga-  
23 tion improvement.

24 (b) JUSTIFICATION.—In considering whether to rec-  
25 ommend a project under subsection (a), the Secretary  
26 shall consider the benefits of the project to—





1 (1) public health and safety of the local commu-  
2 nity, including access to facilities designed to protect  
3 public health and safety;

4 (2) access to natural resources for subsistence  
5 purposes;

6 (3) local and regional economic opportunities;

7 (4) welfare of the local population; and

8 (5) social and cultural value to the community.

9 **SEC. 2012. BENEFICIAL USES OF DREDGED MATERIAL.**

10 (a) IN GENERAL.—Section 204 of the Water Re-  
11 sources Development Act of 1992 (33 U.S.C. 2326) is  
12 amended by striking subsections (c) through (g) and in-  
13 serting the following:

14 “(c) IN GENERAL.—The Secretary may carry out  
15 projects to transport and place suitable material dredged  
16 in connection with the construction, operation, or mainte-  
17 nance of an authorized navigation project at locations se-  
18 lected by a non-Federal entity for use in the construction,  
19 repair, or rehabilitation of projects determined by the Sec-  
20 retary to be in the public interest and associated with navi-  
21 gation, flood damage reduction, hydroelectric power, mu-  
22 nicipal and industrial water supply, agricultural water  
23 supply, recreation, hurricane and storm damage reduction,  
24 aquatic plant control, and environmental protection and  
25 restoration.



1       “(d) COOPERATIVE AGREEMENT.—Any project un-  
2 dertaken pursuant to this section shall be initiated only  
3 after non-Federal interests have entered into an agree-  
4 ment with the Secretary in which the non-Federal inter-  
5 ests agree to pay the non-Federal share of the cost of con-  
6 struction of the project and 100 percent of the cost of  
7 operation, maintenance, replacement, and rehabilitation of  
8 the project in accordance with section 103 of the Water  
9 Resources Development Act of 1986 (33 U.S.C. 2213).

10       “(e) DETERMINATION OF CONSTRUCTION COSTS.—  
11 Costs associated with construction of a project under this  
12 section shall be limited solely to construction costs that  
13 are in excess of those costs necessary to carry out the  
14 dredging for construction, operation, or maintenance of  
15 the authorized navigation project in the most cost effective  
16 way, consistent with economic, engineering, and environ-  
17 mental criteria.

18       “(f) SELECTION OF DREDGED MATERIAL DISPOSAL  
19 METHOD.—In developing and carrying out a project for  
20 navigation involving the disposal of dredged material, the  
21 Secretary may select, with the consent of the non-Federal  
22 interest, a disposal method that is not the least-cost option  
23 if the Secretary determines that the incremental costs of  
24 such disposal method are reasonable in relation to the en-  
25 vironmental benefits, including the benefits to the aquatic

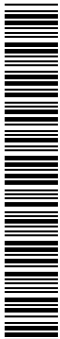


1 environment to be derived from the creation of wetlands  
2 and control of shoreline erosion. The Federal share of such  
3 incremental costs shall be determined in accordance with  
4 subsection (d).”.

5 “(g) NONPROFIT ENTITIES.—Notwithstanding sec-  
6 tion 221 of the Flood Control Act of 1970 (42 U.S.C.  
7 1962d–5b), for any project carried out under this section,  
8 a non-Federal interest may include a nonprofit entity, with  
9 the consent of the affected local government.

10 “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
11 is authorized to be appropriated \$30,000,000 annually for  
12 projects under this section. Such sums shall remain avail-  
13 able until expended.

14 “(i) REGIONAL SEDIMENT MANAGEMENT PLAN-  
15 NING.—In consultation with appropriate State and Fed-  
16 eral agencies, the Secretary may develop, at Federal ex-  
17 pense, plans for regional management of material dredged  
18 in conjunction with the construction, operation, or mainte-  
19 nance of navigation projects, including potential beneficial  
20 uses of dredged material for construction, repair, or reha-  
21 bilitation of public projects for navigation, flood damage  
22 reduction, hydroelectric power, municipal and industrial  
23 water supply, agricultural water supply, recreation, hurri-  
24 cane and storm damage reduction, aquatic plant control,  
25 and environmental protection and restoration.”.



1 (b) REPEAL.—

2 (1) IN GENERAL.—Section 145 of the Water  
3 Resources Development Act of 1976 (33 U.S.C.  
4 426j) is repealed.

5 (2) HOLD HARMLESS.—The repeal made by  
6 paragraph (1) shall not affect the authority of the  
7 Secretary to complete any project being carried out  
8 under such section 145 on the day before the date  
9 of enactment of this Act.

10 (c) PRIORITY AREAS.—In carrying out section 204  
11 of the Water Resources Development Act of 1992 (33  
12 U.S.C 2326), the Secretary shall give priority to a project  
13 for the beaches of Bogues Bank in the vicinity of More-  
14 head City, North Carolina, and a project in the vicinity  
15 of the Smith Point Park Pavilion and the TWA Flight  
16 800 Memorial, Brookhaven, New York.

17 **SEC. 2013. COST SHARING PROVISIONS FOR CERTAIN**  
18 **AREAS.**

19 Section 1156 of the Water Resources Development  
20 Act of 1986 (33 U.S.C. 2310; 100 Stat. 4256) is amended  
21 to read as follows:

22 **“SEC. 1156. COST SHARING PROVISIONS FOR CERTAIN**  
23 **AREAS.**

24 “The Secretary shall waive local cost-sharing require-  
25 ments up to \$500,000 for all studies and projects in the



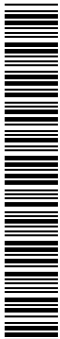
1 Commonwealth of Puerto Rico, American Samoa, Guam,  
2 the Commonwealth of the Northern Mariana Islands, and  
3 the United States Virgin Islands, in Indian country (as  
4 defined in section 1151 of title 18, United States Code,  
5 and including lands that are within the jurisdictional area  
6 of an Oklahoma Indian tribe, as determined by the Sec-  
7 retary of the Interior, and are recognized by the Secretary  
8 of the Interior as eligible for trust land status under part  
9 151 of title 25, Code of Federal Regulations) or on land  
10 in the State of Alaska conveyed to an Alaska Native Vil-  
11 lage Corporation under the Alaska Native Claims Settle-  
12 ment Act (43 U.S.C. 1601 et seq.).”.

13 **SEC. 2014. REVISION OF PROJECT PARTNERSHIP AGREE-**  
14 **MENT.**

15       Upon authorization by law of an increase in the max-  
16 imum amount of Federal funds that may be allocated for  
17 a project or an increase in the total cost of a project au-  
18 thorized to be carried out by the Secretary, the Secretary  
19 shall revise the project partnership agreement for the  
20 project to take into account the change in Federal partici-  
21 pation in the project.

22 **SEC. 2015. COST SHARING.**

23       An increase in the maximum amount of Federal  
24 funds that may be allocated for a project or an increase  
25 in the total cost of a project authorized to be carried out



1 by the Secretary shall not affect any cost sharing require-  
2 ment applicable to the project under title I of the Water  
3 Resources Development Act of 1986 (33 U.S.C. 2211 et  
4 seq.).

5 **SEC. 2016. CREDIT FOR WORK PERFORMED BEFORE PART-**  
6 **NERSHIP AGREEMENT.**

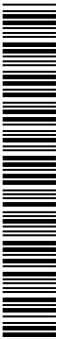
7 If the Secretary is authorized to credit toward the  
8 non-Federal share the cost of work carried out by the non-  
9 Federal interest before the date of the partnership agree-  
10 ment for the project and such work has not been carried  
11 out as of the date of enactment of this Act, the Secretary  
12 shall enter into an agreement with the non-Federal inter-  
13 est for the project under which the non-Federal interest  
14 shall carry out such work, and the credit shall apply only  
15 to work carried out under the agreement.

16 **SEC. 2017. RECREATION USER FEE REVENUES.**

17 Section 225 of the Water Resources Development Act  
18 of 1999 (113 Stat. 297–298) is amended—

19 (1) in subsection (a)(1) by striking “During fis-  
20 cal years 1999 through 2002, the” and inserting  
21 “The”; and

22 (2) in subsection (a)(3) by striking “September  
23 30, 2005” and inserting “expended”.



1 **SEC. 2018. EXPEDITED ACTIONS FOR EMERGENCY FLOOD**  
2 **DAMAGE REDUCTION.**

3 The Secretary shall expedite any authorized planning,  
4 design, and construction of any project for flood damage  
5 reduction for an area that, within the preceding 5 years,  
6 has been subject to flooding that resulted in the loss of  
7 life and caused damage of sufficient severity and mag-  
8 nitude to warrant a declaration of a major disaster by the  
9 President under the Robert T. Stafford Disaster and  
10 Emergency Relief Act (42 U.S.C. 5121 et seq.).

11 **SEC. 2019. WATERSHED AND RIVER BASIN ASSESSMENTS.**

12 (a) IN GENERAL.—Section 729 of the Water Re-  
13 sources Development Act of 1986 (33 U.S.C. 2267a; 114  
14 Stat. 2587–2588; 100 Stat. 4164) is amended—

15 (1) in subsection (d)—

16 (A) by striking “and” at the end of para-  
17 graph (4);

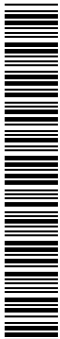
18 (B) by striking the period at the end of  
19 paragraph (5) and inserting “; and”; and

20 (C) by adding at the end the following:

21 “(6) Sacramento-San Joaquin Delta, Cali-  
22 fornia.”;

23 (2) by striking paragraph (1) of subsection (f)  
24 and inserting the following:

25 “(1) NON-FEDERAL SHARE.—The non-Federal  
26 share of the costs of an assessment carried out



1 under this section on or after December 11, 2000,  
2 shall be 25 percent.”; and

3 (3) by striking subsection (g).

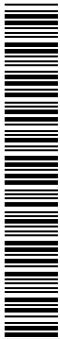
4 (b) REVISION OF PARTNERSHIP AGREEMENT.—The  
5 Secretary shall revise the partnership agreement for any  
6 assessment being carried out under such section 729 to  
7 take into account the change in non-Federal participation  
8 in the assessment as a result of the amendments made  
9 by subsection (a).

10 **SEC. 2020. TRIBAL PARTNERSHIP PROGRAM.**

11 Section 203(b)(1)(B) of the Water Resources Devel-  
12 opment Act of 2000 (33 U.S.C. 2269(b)(1)(B); 114 Stat.  
13 2589) is amended by inserting after “Code” the following  
14 “, and including lands that are within the jurisdictional  
15 area of an Oklahoma Indian tribe, as determined by the  
16 Secretary of the Interior, and are recognized by the Sec-  
17 retary of the Interior as eligible for trust land status under  
18 part 151 of title 25, Code of Federal Regulations”.

19 **SEC. 2021. TREATMENT OF CERTAIN SEPARABLE ELE-**  
20 **MENTS.**

21 (a) IN GENERAL.—If, in carrying out a water re-  
22 sources project, the Secretary identifies a separable ele-  
23 ment that would advance a primary mission of the Corps  
24 of Engineers, with benefits that could be achieved more  
25 cost-effectively if carried out in conjunction with the





1 project, the Secretary, in consultation with the non-Fed-  
2 eral interest, may carry out such separable element at  
3 Federal expense if the cost of such separable element does  
4 not exceed 3 percent of the Federal project cost and does  
5 not exceed \$1,000,000.

6 (b) OPERATION AND MAINTENANCE.—Operation and  
7 maintenance of a separable element of a project carried  
8 out under this section shall be a non-Federal responsi-  
9 bility.

10 (c) LIMITATION ON STATUTORY CONSTRUCTION.—  
11 Nothing in this section shall be construed to increase the  
12 amount authorized to be appropriated for a project beyond  
13 that amount authorized by law or to provide a separate  
14 authorization of appropriations.

15 **SEC. 2022. PROSECUTION OF WORK.**

16 Section 10 of the Rivers and Harbors Act of Sep-  
17 tember 22, 1922 (33 U.S.C. 621; 42 Stat. 1043), is  
18 amended by inserting after “harbors” the following: “, in-  
19 cluding any planning, engineering, design, construction,  
20 operation, and maintenance,”.

21 **SEC. 2023. WILDFIRE FIREFIGHTING.**

22 Section 309 of Public Law 102–154 (42 U.S.C.  
23 1856a-1; 105 Stat. 1034) is amended by inserting “the  
24 Secretary of the Army,” after “the Secretary of Energy,”.



1 **SEC. 2024. CREDIT FOR NON-CONSTRUCTION SERVICES.**

2 (a) IN GENERAL.—The Secretary is authorized to  
3 allow a non-Federal interest credit toward its share of  
4 project costs for any authorized water resources develop-  
5 ment project for the cost of materials and in-kind services,  
6 including design and management services but not includ-  
7 ing construction, provided by the non-Federal interest for  
8 implementation of the project.

9 (b) LIMITATION.—Credit authorized under sub-  
10 section (a)—

11 (1) shall not exceed the non-Federal share of  
12 project costs;

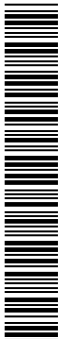
13 (2) shall not alter any other requirements that  
14 require a non-Federal interest to provide lands, ease-  
15 ments, rights-of-way, and dredged material disposal  
16 areas for the project;

17 (3) shall not exceed the actual and reasonable  
18 costs of the materials or in-kind services provided by  
19 the non-Federal interest, as determined by the Sec-  
20 retary; and

21 (4) shall not be allowed unless the Secretary  
22 has determined that such materials or services are  
23 compatible with and necessary for the project.

24 **SEC. 2025. TECHNICAL ASSISTANCE.**

25 Section 22 of Water Resources Development Act of  
26 1974 (42 U.S.C. 1962d–16) is amended—



1 (1) in subsection (a) by striking “The Sec-  
2 retary” and inserting the following:

3 “(a) FEDERAL STATE COOPERATION.—

4 “(1) COMPREHENSIVE PLANS.—The Sec-  
5 retary”.

6 (2) by inserting after the last sentence in sub-  
7 section (a) the following:

8 “(2) TECHNICAL ASSISTANCE.—

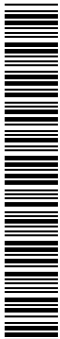
9 “(A) IN GENERAL.—At the request of  
10 a governmental agency or non-Federal in-  
11 terest, the Secretary may provide, at Fed-  
12 eral expense, technical assistance to such  
13 agency or non-Federal interest in man-  
14 aging water resources.

15 “(B) TYPES OF ASSISTANCE.—Tech-  
16 nical assistance under this paragraph may  
17 include provision and integration of hydro-  
18 logic, economic, and environmental data  
19 and analyses.”

20 (3) in subsection (b)(1) by striking “this sec-  
21 tion” each place it appears and inserting “subsection  
22 (a)(1)”;

23 (4) in subsection (c) by striking “There is” and  
24 inserting the following:

25 “(c) AUTHORIZATION OF APPROPRIATIONS.—



1           “(1) FEDERAL AND STATE COOPERATION.—  
2       There is”;

3           (5) in subsection (c) strike “the provisions of  
4       this section” and insert “subsection (a)(1);”; and  
5           (6) by inserting at the end of subsection (c) the  
6       following:

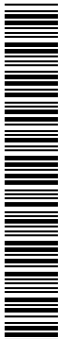
7           “(2) TECHNICAL ASSISTANCE.—There is au-  
8       thorized to be appropriated \$5,000,000 annually to  
9       carry out subsection (a)(2), of which not more than  
10      \$2,000,000 annually may be used by the Secretary  
11      to enter into cooperative agreements with nonprofit  
12      organizations to provide assistance to rural and  
13      small communities.”.

14   **SEC. 2026. CENTERS OF SPECIALIZED PLANNING EXPER-**  
15                   **TISE.**

16      (a) ESTABLISHMENT.—The Secretary is authorized  
17      to establish centers to provide specialized planning exper-  
18      tise for water resources projects to be carried out by the  
19      Secretary to enhance and supplement the capabilities of  
20      the districts of the Army Corps of Engineers.

21      (b) DUTIES.—A center of expertise shall have the fol-  
22      lowing duties:

23           (1) Providing technical and managerial assist-  
24      ance to district engineers for project planning, devel-  
25      opment, and implementation.



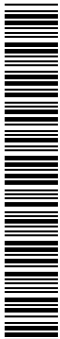
1           (2) Providing peer reviews of new major sci-  
2           entific, engineering, or economic methods, models or  
3           analyses that will be used to support decisions of the  
4           Secretary with respect to feasibility studies.

5           (3) Providing support for external peer review  
6           panels convened by the Secretary.

7           (4) Performing such other duties as prescribed  
8           by the Secretary.

9   **SEC. 2027. COORDINATION AND SCHEDULING OF FEDERAL,**  
10                   **STATE, AND LOCAL ACTIONS.**

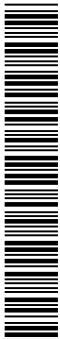
11       (a) NOTICE OF INTENT.—Upon request of the non-  
12   Federal interest in the form of a written notice of intent  
13   to construct or modify a non-Federal water supply, waste-  
14   water infrastructure, flood damage reduction, environ-  
15   mental restoration, or navigation project that requires the  
16   approval of the Secretary, the Secretary shall initiate, sub-  
17   ject to subsection (h)(1), procedures to establish a sched-  
18   ule for consolidating Federal, State, and local agency and  
19   Indian tribe environmental assessments, project reviews,  
20   and issuance of all permits for the construction or modi-  
21   fication of the project. The non-Federal interest shall sub-  
22   mit to the Secretary, with the notice of intent, studies and  
23   documentation, including environmental reviews, that may  
24   be required by Federal law for decisionmaking on the pro-  
25   posed project. All States and Indian tribes having jurisdic-



1 tion over the proposed project shall be invited by the Sec-  
2 retary, but shall not be required, to participate in carrying  
3 out this section with respect to the project.

4 (b) PROCEDURAL REQUIREMENTS.—Within 15 days  
5 after receipt of notice under subsection (a), the Secretary  
6 shall publish such notice in the Federal Register. The Sec-  
7 retary also shall provide written notification of the receipt  
8 of a notice under subsection (a) to all State and local  
9 agencies and Indian tribes that may be required to issue  
10 permits for the construction of the project or related ac-  
11 tivities. The Secretary shall solicit the cooperation of those  
12 agencies and request their entry into a memorandum of  
13 agreement described in subsection (c) with respect to the  
14 project. Within 30 days after publication of the notice in  
15 the Federal Register, State and local agencies and Indian  
16 tribes that intend to enter into the memorandum of agree-  
17 ment with respect to the project shall notify the Secretary  
18 of their intent in writing.

19 (c) SCHEDULING AGREEMENT.—Within 90 days  
20 after the date of receipt of notice under subsection (a)  
21 with respect to a project, the Secretary of the Interior,  
22 the Secretary of Commerce, and the Administrator of the  
23 Environmental Protection Agency, as necessary, and any  
24 State or local agencies that have notified the Secretary  
25 under subsection (b) shall enter into an agreement with



1 the Secretary establishing a schedule of decisionmaking  
2 for approval of the project and permits associated with  
3 the project and with related activities. Such schedule may  
4 not extend beyond the last day of the 18-month period  
5 beginning on the date of the agreement.

6 (d) CONTENTS OF AGREEMENT.—An agreement en-  
7 tered into under subsection (c) with respect to a project,  
8 to the extent practicable, shall consolidate hearing and  
9 comment periods, procedures for data collection and re-  
10 port preparation, and the environmental review and per-  
11 mitting processes associated with the project and related  
12 activities. The agreement shall detail, to the extent pos-  
13 sible, the non-Federal interest's responsibilities for data  
14 development and information that may be necessary to  
15 process each permit required for the project, including a  
16 schedule when the information and data will be provided  
17 to the appropriate Federal, State, or local agency or In-  
18 dian tribe.

19 (e) PRELIMINARY DECISION.—An agreement entered  
20 into under subsection (c) with respect to a project shall  
21 include a date by which the Secretary, taking into consid-  
22 eration the views of all affected Federal agencies, shall  
23 provide to the project sponsor, in writing, a preliminary  
24 determination whether the project and Federal permits as-  
25 sociated with it are reasonably likely to receive approval.



1 (f) REVISION OF AGREEMENT.—The Secretary may  
2 revise an agreement entered into under subsection (c) with  
3 respect to a project once to extend the schedule to allow  
4 the non-Federal interest the minimum amount of addi-  
5 tional time necessary to revise its original application to  
6 meet the objections of a Federal, State, or local agency  
7 or Indian tribe that is a party to the agreement.

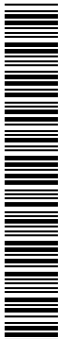
8 (g) FINAL DECISION.—Not later than the final day  
9 of a schedule established by an agreement entered into  
10 under subsection (c) with respect to a project, the Sec-  
11 retary shall notify the non-Federal interest of the final de-  
12 cision on the project and whether the permit or permits  
13 have been issued.

14 (h) REIMBURSEMENT.—

15 (1) COSTS OF COORDINATION.—The costs in-  
16 curred by the Secretary to establish and carry out  
17 a schedule to consolidate Federal, State, and local  
18 agency and Indian tribe environmental assessments,  
19 project reviews, and permit issuance for a project  
20 under this section shall be paid by the non-Federal  
21 interest.

22 (2) COSTS INCURRED TO EXPEDITE PERMITS  
23 AND REVIEWS.—

24 (A) ACCEPTANCE OF NON-FEDERAL  
25 FUNDS.—The Secretary may accept funds from

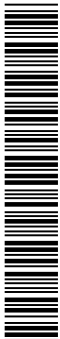




1 the non-Federal interest to hire additional staff  
2 or obtain the services of consultants, or to pro-  
3 vide financial, technical, and administrative  
4 support to agencies that have entered into an  
5 agreement with the Secretary under subsection  
6 (c) with respect to a project in order to facili-  
7 tate the timely processing, review, and comple-  
8 tion of applicable Federal, State, and local  
9 agency and Indian tribe environmental assess-  
10 ments, project reviews, and permits for the  
11 project.

12 (B) USE OF FUNDS.—Funds accepted  
13 under this paragraph shall be used to supple-  
14 ment existing resources of the Secretary or a  
15 participating agency.

16 (C) ASSURANCE OF LEVEL OF SERVICE  
17 AND IMPARTIALITY.—The Secretary shall en-  
18 sure that the Department of the Army and any  
19 participating agency that accepts funds under  
20 this paragraph shall continue to provide the  
21 same level of service to other projects and other  
22 responsibilities not covered by this section as it  
23 would provide notwithstanding any activities  
24 carried out under this section and that accept-  
25 ance of such funds will not impact impartial de-



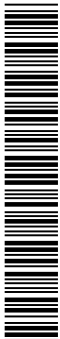
1           cisionmaking either substantively or proce-  
2           durally.

3           (i) REPORT ON TIMESAVINGS METHODS.—Not later  
4 than 3 years after the date of enactment of this section,  
5 the Secretary shall prepare and transmit to Congress a  
6 report estimating the time required for the issuance of all  
7 Federal, State, local, and Tribal permits for the construc-  
8 tion of non-Federal projects for water supply, wastewater  
9 infrastructure, flood damage reduction, environmental res-  
10 toration, and navigation. The Secretary shall include in  
11 that report recommendations for further reducing the  
12 amount of time required for the issuance of those permits,  
13 including any proposed changes in existing law.

14           (j) PRIORITY.—In order to demonstrate the effective-  
15 ness of carrying out this section, the Secretary may estab-  
16 lish a centralized office at the office of the district engi-  
17 neer, San Francisco, California, for the use of all Federal  
18 and State agencies that are or will be involved in issuing  
19 permits and conducting environmental reviews for the cap-  
20 ital improvement project to repair and upgrade the water  
21 supply and delivery system for the city of San Francisco.

22 **SEC. 2028. PROJECT STREAMLINING.**

23           (a) POLICY.—The benefits of water resources  
24 projects are important to the Nation's economy and envi-  
25 ronment, and recommendations to Congress regarding



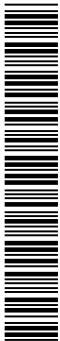
1 such projects should not be delayed due to uncoordinated  
2 and sequential environmental reviews or the failure to  
3 timely resolve disputes during the development of water  
4 resources projects.

5 (b) WATER RESOURCES PROJECT REVIEW PROC-  
6 ESS.—The Secretary shall develop and implement a co-  
7 ordinated review process for water resources projects.

8 (c) COORDINATED REVIEWS.—

9 (1) IN GENERAL.—The coordinated review proc-  
10 ess under this section shall provide that all environ-  
11 mental reviews, analyses, opinions, permits, licenses,  
12 and approvals that must be issued or made by a  
13 Federal, State, or local government agency or Indian  
14 tribe for a water resources project will be conducted  
15 concurrently, to the maximum extent practicable,  
16 and completed within a time period established by  
17 the Secretary, in cooperation with the agencies iden-  
18 tified under subsection (d) with respect to the  
19 project.

20 (2) AGENCY PARTICIPATION.—Each Federal  
21 agency identified under subsection (d) shall formu-  
22 late and implement administrative, policy, and pro-  
23 cedural mechanisms to enable the agency to ensure  
24 completion of environmental reviews, analyses, opin-  
25 ions, permits, licenses, and approvals described in

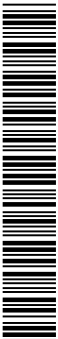


1 paragraph (1) in a timely and environmentally re-  
2 sponsible manner.

3 (d) IDENTIFICATION OF JURISDICTIONAL AGEN-  
4 CIES.—With respect to each water resources project, the  
5 Secretary shall identify, as soon as practicable, all Fed-  
6 eral, State, and local government agencies and Indian  
7 tribes that may have jurisdiction over environmental-re-  
8 lated matters that may be affected by the project or may  
9 be required by law to conduct an environmental-related  
10 review or analysis of the project or determine whether to  
11 issue an environmental-related permit, license, or approval  
12 for the project.

13 (e) STATE AUTHORITY.—If a coordinated review  
14 process is being implemented under this section by the  
15 Secretary with respect to a water resources project within  
16 the boundaries of a State, the State, consistent with State  
17 law, may choose to participate in such process and provide  
18 that all State agencies that have jurisdiction over environ-  
19 mental-related matters that may be affected by the project  
20 or may be required by law to conduct an environmental-  
21 related review or analysis of the project or determine  
22 whether to issue an environmental-related permit, license,  
23 or approval for the project, be subject to the process.

24 (f) MEMORANDUM OF UNDERSTANDING.—The co-  
25 ordinated review process developed under this section may

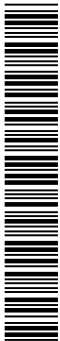


1 be incorporated into a memorandum of understanding for  
2 a project between the Secretary and the heads of other  
3 Federal, State, and local government agencies and Indian  
4 tribes identified under subsection (d) with respect to the  
5 project and the non-Federal interest for the project.

6 (g) EFFECT OF FAILURE TO MEET DEADLINE.—

7 (1) NOTIFICATION OF CONGRESS AND CEQ.—If  
8 the Secretary determines that a Federal, State, or  
9 local government agency, Indian tribe, or non-Fed-  
10 eral-interest that is participating in a coordinated  
11 review process under this section with respect to a  
12 project has not met a deadline established under  
13 subsection (c) for the project, the Secretary shall no-  
14 tify, within 30 days of the date of such determina-  
15 tion, the Committee on Transportation and Infra-  
16 structure of the House of Representatives, the Com-  
17 mittee on Environment and Public Works of the  
18 Senate, the Council on Environmental Quality, and  
19 the agency, Indian tribe, or non-Federal interest in-  
20 volved about the failure to meet the deadline.

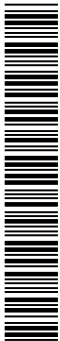
21 (2) AGENCY REPORT.—Not later than 30 days  
22 after the date of receipt of a notice under paragraph  
23 (1), the Federal, State, or local government agency,  
24 Indian tribe, or non-Federal interest involved shall  
25 submit a report to the Secretary, the Committee on



1       Transportation and Infrastructure of the House of  
2       Representatives, the Committee on Environment and  
3       Public Works of the Senate, and the Council on En-  
4       vironmental Quality explaining why the agency, In-  
5       dian tribe, or non-Federal interest did not meet the  
6       deadline and what actions it intends to take to com-  
7       plete or issue the required review, analysis, opinion,  
8       permit, license, or approval.

9       (h) PURPOSE AND NEED.—For any environmental  
10      review, analysis, opinion, permit, license, or approval that  
11      must be issued or made by a Federal, State, or local gov-  
12      ernment agency or Indian tribe that is participating in a  
13      coordinated review process under this section with respect  
14      to water resources project and that requires an analysis  
15      of purpose and need for the project, the agency or Indian  
16      tribe, notwithstanding any other provision of law, shall be  
17      bound by the project purpose and need as defined by the  
18      Secretary.

19      (i) ALTERNATIVES ANALYSIS.—The Secretary shall  
20      determine the reasonable alternatives to a water resources  
21      project. Any other Federal, State, or local government  
22      agency or Indian tribe that is participating in a coordi-  
23      nated review process under this section with respect to the  
24      project shall consider only those alternatives to the project  
25      that the Secretary has determined are reasonable.



1 (j) SOLICITATION AND CONSIDERATION OF COM-  
2 MENTS.—In applying subsections (h) and (i), the Sec-  
3 retary shall solicit and consider comments from interested  
4 persons and governmental entities.

5 (k) CATEGORICAL EXCLUSIONS.—Not later than 120  
6 days after the date of enactment of this Act, the Secretary  
7 shall develop and publish a list of categorical exclusions  
8 from the requirement that an environmental assessment  
9 or an environmental impact statement be prepared under  
10 the National Environmental Policy Act of 1969 (42 U.S.C.  
11 4321 et seq.) for water resources projects.

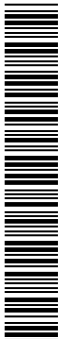
12 (l) LIMITATIONS.—Nothing in this section shall pre-  
13 empt or interfere with—

14 (1) any practice of seeking public comment;

15 (2) any power, jurisdiction, or authority that a  
16 State or local government agency, Indian tribe, or  
17 non-Federal interest has with respect to carrying out  
18 a water resources project; or

19 (3) any obligation to comply with the provisions  
20 of the National Environmental Policy Act of 1969  
21 (42 U.S.C. 4371 et seq.) and the regulations issued  
22 by the Council on Environmental Quality to carry  
23 out such Act.

24 (m) BENCHMARKS.—Within 12 months of the date  
25 of enactment of this Act, the Chief of Engineers shall es-



1    establish benchmarks for determining the length of time it  
2    should take to conduct a feasibility study for a water re-  
3    sources development project and its associated review  
4    process under the National Environmental Policy Act of  
5    1969 (42 U.S.C. 4371 et seq.). Benchmarks may be estab-  
6    lished for activities based on size, cost, and complexity.  
7    The Chief of Engineers shall use such benchmarks as a  
8    management tool to make the feasibility study process  
9    more efficient in all districts of the Army Corps of Engi-  
10   neers.

11   **SEC. 2029. LAKES PROGRAM.**

12       Section 602(a) of the Water Resources Development  
13   Act of 1986 (100 Stat. 4148; 110 Stat. 3758; 113 Stat.  
14   295) is amended—

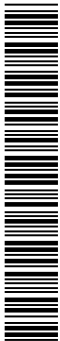
15           (1) by striking “and” at end of paragraph (18);

16           (2) by striking the period at the end of para-  
17   graph (19) and inserting a semicolon; and

18           (3) by adding at the end the following:

19           “(20) Kinkaid Lake, Jackson County, Illinois,  
20   removal of silt and aquatic growth and measures to  
21   address excessive sedimentation;

22           “(21) Rogers Pond, Franklin Township, New  
23   Jersey, removal of silt and restoration of structural  
24   integrity;





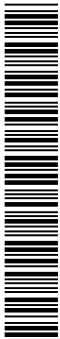
1           “(22) Greenwood Lake, Greenwood Lake, New  
2       York, removal of silt and aquatic growth; and

3           “(23) Lake Rodgers, Creedmoor, North Caro-  
4       lina, removal of silt and excessive nutrients and res-  
5       toration of structural integrity.”.

6   **SEC. 2030. FISH AND WILDLIFE MITIGATION.**

7       (a) STATUS REPORT.—Concurrent with the Presi-  
8       dent’s submission to Congress of the President’s request  
9       for appropriations for the Civil Works Program for a fiscal  
10      year, the Secretary shall submit to the Committee on  
11      Transportation and Infrastructure of the House of Rep-  
12      resentatives and the Committee on the Environment and  
13      Public Works of the Senate a report on the status of con-  
14      struction of projects that require mitigation under section  
15      906 of Water Resources Development Act 1986 (33  
16      U.S.C. 2283; 100 Stat. 4186) and the status of such miti-  
17      gation.

18      (b) PROJECTS INCLUDED.—The status report shall  
19      include the status of all projects that are under construc-  
20      tion, all projects for which the President requests funding  
21      for the next fiscal year, and all projects that have com-  
22      pleted construction, but have not completed the mitigation  
23      required under section 906 of the Water Resources Devel-  
24      opment Act of 1986.



1 **SEC. 2031. COOPERATIVE AGREEMENTS.**

2 (a) IN GENERAL.—For the purpose of expediting the  
3 cost-effective design and construction of wetlands restora-  
4 tion that is part of an authorized water resources project,  
5 the Secretary may enter into cooperative agreements  
6 under section 6305 of title 31, United States Code, with  
7 nonprofit organizations with expertise in wetlands restora-  
8 tion to carry out such design and construction on behalf  
9 of the Secretary.

10 (b) LIMITATIONS.—

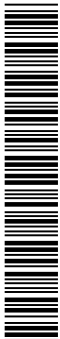
11 (1) PER PROJECT LIMIT.—A cooperative agree-  
12 ment under this section shall not obligate the Sec-  
13 retary to pay the nonprofit organization more than  
14 \$1,000,000 for any single wetlands restoration  
15 project.

16 (2) ANNUAL LIMIT.—The total value of work  
17 carried out under cooperative agreements under this  
18 section may not exceed \$5,000,000 in any fiscal  
19 year.

20 **TITLE III—PROJECT-RELATED**  
21 **PROVISIONS**

22 **SEC. 3001. COOK INLET, ALASKA.**

23 (a) ANCHORAGE HARBOR.—The project for naviga-  
24 tion improvements, Cook Inlet, Alaska (Anchorage Har-  
25 bor, Alaska), authorized by section 101 of the River and  
26 Harbor Act of 1958 (72 Stat. 299) and modified by sec-

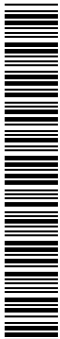


tion 199 of the Water Resources Development Act of 1976 (90 Stat. 2944), is further modified to direct the Secretary to establish a harbor depth of minus 45 feet mean lower low water for a length of 5,200 feet at the modified Port of Anchorage intermodal marine facility at each phase as such phases are completed and thereafter as the entire project is completed, at a total cost of \$8,175,000. Federal maintenance shall continue for the existing facility until the modified facility is completed. Federal maintenance of the modified project shall be in accordance with such section 101; except that the project shall be maintained at a depth of minus 45 feet mean lower low water for such 5,200 feet, at an estimated annual cost of \$6,000,000.

(b) NAVIGATION CHANNEL.—The Secretary shall modify the channel depth to run the entire length of Fire Island Range and Point Woronzof Range maintaining the same width and modifying the depth to minus 45 feet mean lower low water in the existing Cook Inlet Navigation Channel approach to Anchorage Harbor, Alaska, at a total cost of \$21,525,000. The project shall be maintained at a depth of minus 45 mean lower low water, at an estimated annual cost of \$3,000,000.

**SEC. 3002. KING COVE HARBOR, ALASKA.**

The maximum amount of Federal funds that may be expended for the project for navigation, King Cove Har-



1 bor, Alaska, being carried out under section 107 of the  
2 River Harbor Act of 1960 (33 U.S.C. 577), shall be  
3 \$8,000,000.

4 **SEC. 3003. SITKA, ALASKA.**

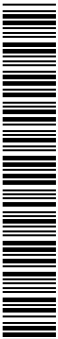
5 The Thompson Harbor, Sitka, Alaska, element of the  
6 project for navigation Southeast Alaska Harbors of Ref-  
7 uge, Alaska, authorized by section 101 of the Water Re-  
8 sources Development Act of 1992 (106 Stat. 4801), is  
9 modified to direct the Secretary to take such action as  
10 may be necessary to correct design deficiencies in such ele-  
11 ment, at a Federal expense of \$6,300,000.

12 **SEC. 3004. TATILEK, ALASKA.**

13 The maximum amount of Federal funds that may be  
14 expended for the project for navigation, Tatilek, Alaska,  
15 being carried out under section 107 of the River and Har-  
16 bor Act of 1960 (33 U.S.C. 577), shall be \$10,000,000.

17 **SEC. 3005. NOGALES WASH AND TRIBUTARIES, ARIZONA.**

18 The project for flood control, Nogales Wash and trib-  
19 utaries, Arizona, authorized by section 101(a)(4) of the  
20 Water Resources Development Act of 1990 (104 Stat.  
21 4606) and modified by section 303 of the Water Resources  
22 Development Act of 1996 (110 Stat. 3711) and section  
23 302 of the Water Resources Development Act of 2000  
24 (114 Stat. 2600), is further modified to direct the Sec-  
25 retary to use the Mexico Plan-1st Added Increment, as



1 described in the limited reevaluation report dated Sep-  
2 tember 13, 2002, to determine the cost allocation and cost  
3 apportionment for the project.

4 **SEC. 3006. GRAND PRAIRIE REGION AND BAYOU METO**  
5 **BASIN, ARKANSAS.**

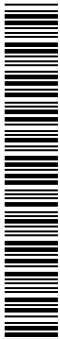
6 The Secretary shall review the general reevaluation  
7 report for the project for Grand Prairie Region and Bayou  
8 Meto Basin, Arkansas, reauthorized by section 363(a) of  
9 the Water Resources Development Act of 1996 (110 Stat.  
10 3730), and make a determination of whether the project  
11 is feasible, regardless of mission priorities.

12 **SEC. 3007. SAINT FRANCIS BASIN, ARKANSAS.**

13 The project for flood control, Saint Francis Basin,  
14 Missouri and Arkansas, authorized by section 204 of the  
15 Flood Control Act of 1950 (64 Stat. 172), is modified to  
16 authorize the Secretary to construct improvements along  
17 Ditch No. 1 that consist of a gated culvert through the  
18 Saint Francis Levee and related channel improvements.

19 **SEC. 3008. AMERICAN AND SACRAMENTO RIVERS, CALI-**  
20 **FORNIA.**

21 The project for flood damage reduction, American  
22 and Sacramento Rivers, California, authorized by section  
23 101(a)(1) of the Water Resources Development Act of  
24 1996 (110 Stat. 3662–3663) and modified by section 366  
25 of the Water Resources Development Act of 1999 (113



1 Stat. 319–320), is further modified to direct the Secretary  
2 to carry out the project, at a total cost of \$205,000,000.

3 **SEC. 3009. CACHE CREEK BASIN, CALIFORNIA.**

4 The project for flood control, Cache Creek Basin,  
5 California, authorized by section 401(a) of the Water Re-  
6 sources Development Act of 1986 (100 Stat. 4112), is  
7 modified to direct the Secretary to mitigate the impacts  
8 of the new south levee of the Cache Creek settling basin  
9 on the city of Woodland’s storm drainage system, includ-  
10 ing all appurtenant features, erosion control measures,  
11 and environmental protection features. Such mitigation  
12 shall restore the city’s preproject capacity (1,360 cubic  
13 feet per second) to release water to the Yolo Bypass, in-  
14 cluding channel improvements, an outlet work through the  
15 west levee of the Yolo Bypass, and a new low-flow cross  
16 channel to handle city and county storm drainage and set-  
17 tling basin flows (1,760 cubic feet per second) when the  
18 Yolo Bypass is in a low flow condition.

19 **SEC. 3010. GRAYSON CREEK/MURDERER’S CREEK, CALI-**  
20 **FORNIA.**

21 The project for aquatic ecosystem restoration, Gray-  
22 son Creek/Murderer’s Creek, California, being carried out  
23 under section 206 of the Water Resources Development  
24 Act of 1996 (33 U.S.C. 2330), is modified to direct the  
25 Secretary to credit toward the non-Federal share of the



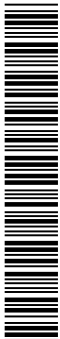
1 cost of the project the cost of work carried out by the  
2 non-Federal interest before the date of the partnership  
3 agreement for the project if the Secretary determines that  
4 the work is integral to the project and to authorize the  
5 Secretary to consider national ecosystem restoration bene-  
6 fits in determining the Federal interest in the project.

7 **SEC. 3011. JOHN F. BALDWIN SHIP CHANNEL AND STOCK-**  
8 **TON SHIP CHANNEL, CALIFORNIA.**

9 The project for navigation, San Francisco to Stock-  
10 ton, California, authorized by section 301 of the River and  
11 Harbor Act of 1965 (79 Stat. 1091) is modified—

12 (1) to provide that the non-Federal share of the  
13 cost of the John F. Baldwin Ship Channel and  
14 Stockton Ship Channel element of the project may  
15 be provided in the form of in-kind services and ma-  
16 terials; and

17 (2) to direct the Secretary to credit toward the  
18 non-Federal share of the cost of such element the  
19 cost of planning and design work carried out by the  
20 non-Federal interest before the date of an agreement  
21 for such planning and design if the Secretary deter-  
22 mines that such work is integral to such element.



1   **SEC. 3012. LOS ANGELES HARBOR, LOS ANGELES, CALI-**  
2                   **FORNIA.**

3           The project for navigation, Los Angeles Harbor, Los  
4 Angeles, California, authorized by section 101(b)(5) of the  
5 Water Resources Development Act of 2000 (114 Stat.  
6 2577), is modified to direct the Secretary to credit toward  
7 the non-Federal share of the cost of the project the cost  
8 of the planning, design, and construction work carried out  
9 by the non-Federal interest before the date of the partner-  
10 ship agreement for the project if the Secretary determines  
11 the work is integral to the project.

12   **SEC. 3013. LARKSPUR FERRY CHANNEL, LARKSPUR, CALI-**  
13                   **FORNIA.**

14           The project for navigation, Larkspur Ferry Channel,  
15 Larkspur, California, authorized by section 601(d) of the  
16 Water Resources Development Act of 1986 (100 Stat.  
17 4148), is modified to direct the Secretary to prepare a  
18 limited reevaluation report to determine whether mainte-  
19 nance of the project is feasible. If the Secretary deter-  
20 mines that maintenance of the project is feasible, the Sec-  
21 retary shall carry out the maintenance.

22   **SEC. 3014. NAPA RIVER SALT MARSH RESTORATION, NAPA**  
23                   **RIVER, CALIFORNIA.**

24           In carrying out the feasibility study for the project  
25 for aquatic ecosystem restoration, Napa River Salt Marsh  
26 Restoration, Napa and Sonoma Counties, California, the





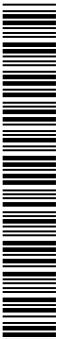
1 Secretary shall determine whether work carried out by the  
2 non-Federal interest is integral to the project. In any case  
3 in which the work is determined to be integral to the  
4 project before completion of the final report of the Chief  
5 of Engineers on the project, such work shall be included  
6 as part of the project, and the cost of such work shall  
7 be recommended in the final report for credit toward the  
8 non-Federal share of the cost of the project. Work carried  
9 out after submission of the final report and before the date  
10 of the partnership agreement for the project that is deter-  
11 mined to be integral to the project shall be considered as  
12 part of the project, and the cost of such work shall be  
13 credited toward the non-Federal share of the cost of the  
14 project.

15 **SEC. 3015. PACIFIC FLYWAY CENTER, SACRAMENTO, CALI-**  
16 **FORNIA.**

17 The project for aquatic ecosystem restoration, Pacific  
18 Flyway Center, Sacramento, California, being carried out  
19 under section 206 of the Water Resources Development  
20 Act of 1996 (33 U.S.C. 2330), is modified to authorize  
21 the Secretary to expend \$2,000,000 to enhance public ac-  
22 cess to the project.

23 **SEC. 3016. PINOLE CREEK, CALIFORNIA.**

24 The project for improvement of the quality of the en-  
25 vironment, Pinole Creek Phase I, California, being carried



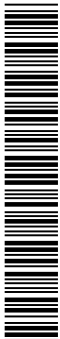
1 out under section 1135 of the Water Resources Develop-  
2 ment Act of 1986 (33 U.S.C. 2309a), is modified to direct  
3 the Secretary to credit toward the non-Federal share of  
4 the cost of the project the cost of work carried out by  
5 the non-Federal interest before the date of the partnership  
6 agreement for the project if the Secretary determines that  
7 the work is integral to the project.

8 **SEC. 3017. PRADO DAM, CALIFORNIA.**

9       Upon completion of the modifications to the Prado  
10 Dam element of the project for flood control, Santa Ana  
11 River Mainstem, California, authorized by section 401(a)  
12 of the Water Resources Development Act of 1986 (100  
13 Stat. 4113), the Memorandum of Agreement for the Oper-  
14 ation for Prado Dam for Seasonal Additional Water Con-  
15 servation between the Department of the Army and the  
16 Orange County Water District (including all the condi-  
17 tions and stipulations in the memorandum) shall remain  
18 in effect for volumes of water made available prior to such  
19 modifications.

20 **SEC. 3018. SACRAMENTO DEEP WATER SHIP CHANNEL,**  
21 **CALIFORNIA.**

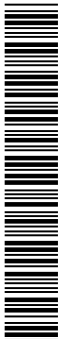
22       The project for navigation, Sacramento Deep Water  
23 Ship Channel, California, authorized by section 202(a) of  
24 the Water Resources Development Act of 1986 (100 Stat.  
25 4092), is modified to direct the Secretary to credit toward



1 the non-Federal share of the cost of the project the cost  
2 of planning and design work carried out by the non-Fed-  
3 eral interest before the date of the partnership agreement  
4 for the project if the Secretary determines that the work  
5 is integral to the project.

6 **SEC. 3019. SACRAMENTO RIVER, GLENN-COLUSA, CALI-**  
7 **FORNIA.**

8 The project for flood control, Sacramento River, Cali-  
9 fornia, authorized by section 2 of the Act entitled “An Act  
10 to provide for the control of the floods of the Mississippi  
11 River and of the Sacramento River, California, and for  
12 other purposes”, approved March 1, 1917 (39 Stat. 949),  
13 and modified by section 102 of the Energy and Water De-  
14 velopment Appropriations Act, 1990 (103 Stat. 649), sec-  
15 tion 301(b)(3) of the Water Resources Development Act  
16 of 1996 (110 Stat. 3110), title I of the Energy and Water  
17 Development Appropriations Act, 1999 (112 Stat. 1841),  
18 and section 305 of the Water Resources Development Act  
19 of 1999 (113 Stat. 299), is further modified to direct the  
20 Secretary to credit the non-Federal interest up to  
21 \$4,000,000 toward the non-Federal share of the cost of  
22 the project for costs incurred by the non-Federal interest  
23 in carrying out activities (including the provision of lands,  
24 easements, rights-of-way, relocations, and dredged mate-  
25 rial disposal areas) associated with environmental compli-



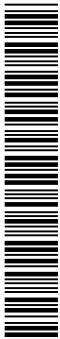
1   ance for the project if the Secretary determines that the  
2   activities are integral to the project.

3   **SEC. 3020. SAN LORENZO RIVER, CALIFORNIA.**

4       The project for flood control, San Lorenzo River,  
5   California, authorized by section 101(a)(5) of the Water  
6   Resources Development Act of 1996 (110 Stat. 3663), is  
7   modified to direct the Secretary to credit not more than  
8   \$2,000,000 toward the non-Federal share of the cost of  
9   the project for the cost of the work carried out by the  
10  non-Federal interest before the date of the partnership  
11  agreement for the project if the Secretary determines the  
12  work is integral to the project.

13   **SEC. 3021. UPPER GUADALUPE RIVER, CALIFORNIA.**

14       The project for flood damage reduction and recre-  
15  ation, Upper Guadalupe River, California, described as the  
16  Bypass Channel Plan of the Chief of Engineers dated Au-  
17  gust 19, 1998, authorized by section 101(a)(9) of the  
18  Water Resources Development Act of 1999 (113 Stat.  
19  275), is modified to authorize the Secretary to construct  
20  the project, at a total cost of \$140,328,000, with an esti-  
21  mated Federal cost of \$70,164,000, and an estimated non-  
22  Federal cost of \$70,164,000. The non-Federal share of  
23  the cost of the project shall be subject to section 103(a)(3)  
24  of the Water Resources Development Act of 1986 (33  
25  U.S.C. 2213(a)(3)).

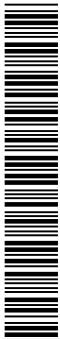


1 **SEC. 3022. WALNUT CREEK CHANNEL, CALIFORNIA.**

2       The project for aquatic ecosystem restoration, Wal-  
3 nut Creek Channel, California, being carried out under  
4 section 206 of the Water Resources Development Act of  
5 1996 (33 U.S.C. 2330), is modified to direct the Secretary  
6 to credit toward the non-Federal share of the cost of the  
7 project the cost of work carried out by the non-Federal  
8 interest before the date of the partnership agreement for  
9 the project if the Secretary determines that the work is  
10 integral to the project and to authorize the Secretary to  
11 consider national ecosystem restoration benefits in deter-  
12 mining the Federal interest in the project.

13 **SEC. 3023. WILDCAT/SAN PABLO CREEK PHASE I, CALI-**  
14 **FORNIA.**

15       The project for improvement of the quality of the en-  
16 vironment, Wildcat/San Pablo Creek Phase I, California,  
17 being carried out under section 1135 of the Water Re-  
18 sources Development Act of 1986 (33 U.S.C. 2309a), is  
19 modified to direct the Secretary to credit toward the non-  
20 Federal share of the cost of the project the cost of work  
21 carried out by the non-Federal interest before the date of  
22 the partnership agreement for the project if the Secretary  
23 determines that the work is integral to the project.



1 **SEC. 3024. WILDCAT/SAN PABLO CREEK PHASE II, CALI-**  
2 **FORNIA.**

3 The project for aquatic ecosystem restoration, Wild-  
4 cat/San Pablo Creek Phase II, California, being carried  
5 out under section 206 of the Water Resources Develop-  
6 ment Act of 1996 (33 U.S.C. 2330), is modified to direct  
7 the Secretary to credit toward the non-Federal share of  
8 the cost of the project the cost of work carried out by  
9 the non-Federal interest before the date of the partnership  
10 agreement for the project if the Secretary determines that  
11 the work is integral to the project and to authorize the  
12 Secretary to consider national ecosystem restoration bene-  
13 fits in determining the Federal interest in the project.

14 **SEC. 3025. BREVARD COUNTY, FLORIDA.**

15 Section 310 of the Water Resources Development Act  
16 of 1999 (113 Stat. 301) is amended by adding at the end  
17 the following:

18 “(d) CREDIT.—After completion of the study, the  
19 Secretary shall credit toward the non-Federal share of the  
20 cost of the project the cost of nourishment and renourish-  
21 ment associated with the shore protection project incurred  
22 by the non-Federal interest to respond to damages to  
23 Brevard County beaches that are the result of a Federal  
24 navigation project, as determined in the final report for  
25 the study.”.

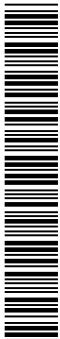


1   **SEC. 3026. BROWARD COUNTY AND HILLSBORO INLET,**  
2                   **FLORIDA.**

3       The project for shore protection, Broward County  
4 and Hillsboro Inlet, Florida, authorized by section 301 of  
5 the River and Harbor Act of 1965 (79 Stat. 1090), and  
6 modified by section 311 of the Water Resources Develop-  
7 ment Act of 1999 (113 Stat. 301), is further modified to  
8 direct the Secretary to credit toward the non-Federal  
9 share of the cost of the project the cost of mitigation con-  
10 struction and derelict erosion control structure removal  
11 carried out by the non-Federal interest before the date of  
12 the partnership agreement for the project if the Secretary  
13 determines that the work is integral to the project.

14   **SEC. 3027. GASPARILLA AND ESTERO ISLANDS, FLORIDA.**

15       The project for shore protection, Gasparilla and  
16 Estero Island segments, Lee County, Florida, authorized  
17 under section 201 of the Flood Control Act of 1965 (79  
18 Stat. 1073) by Senate Resolution dated December 17,  
19 1970, and by House Resolution dated December 15, 1970,  
20 and modified by section 309 of the Water Resources De-  
21 velopment Act of 2000 (114 Stat. 2602), is further modi-  
22 fied to direct the Secretary to credit toward the non-Fed-  
23 eral share of the cost of the project the cost of work car-  
24 ried out by the non-Federal interest before the date of the  
25 partnership agreement for the project if the Secretary de-  
26 termines that the work is integral to the project.



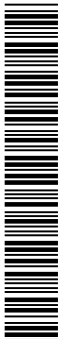
1 **SEC. 3028. LIDO KEY BEACH, SARASOTA, FLORIDA.**

2 The project for shore protection, Lido Key Beach,  
3 Sarasota, Florida, authorized by section 101 of the River  
4 and Harbor Act of 1970 (84 Stat. 1819), deauthorized  
5 under section 1001(b) of the Water Resources Develop-  
6 ment Act of 1986 (33 U.S.C. 579a(b)), and reauthorized  
7 by section 364(2)(A) of the Water Resources Development  
8 Act of 1999 (113 Stat. 313), is modified to direct the Sec-  
9 retary to construct the project, at a total cost of  
10 \$12,926,000, with an estimated Federal cost of  
11 \$6,547,000 and an estimated non-Federal cost of  
12 \$6,379,000, and at an estimated average annual cost of  
13 \$925,000 for periodic nourishment over the 50-year life  
14 of the project, with an estimated annual Federal cost of  
15 \$468,500 and an estimated annual non-Federal cost of  
16 \$456,500.

17 **SEC. 3029. MANATEE HARBOR, FLORIDA.**

18 The project for navigation, Manatee Harbor, Florida,  
19 authorized by section 202(a) of the Water Resources De-  
20 velopment Act of 1986 (100 Stat. 4093) and modified by  
21 section 102(j) of the Water Resources Development Act  
22 of 1990 (104 Stat. 4612), is further modified—

23 (1) to include the construction of an extension  
24 of the south channel a distance of approximately  
25 1584 feet consistent with the general reevaluation  
26 report, dated April 2002, prepared by the Jackson-





1 ville District Corps of Engineers, at a total cost of  
2 \$11,300,000, with an estimated Federal cost of  
3 \$8,475,000 and an estimated non-Federal cost of  
4 \$2,825,000;

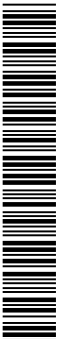
5 (2) to direct the Secretary to credit toward the  
6 non-Federal share of the cost of the project the cost  
7 of in-kind services and materials provided for the  
8 project by the non-Federal interest;

9 (3) to direct the Secretary to credit toward the  
10 non-Federal share of the cost of the project the cost  
11 of planning, design, and construction work carried  
12 out by the non-Federal interest before the date of  
13 the partnership agreement for the project if the Sec-  
14 retary determines that the work is integral to the  
15 project; and

16 (4) to authorize the Secretary to carryout the  
17 project as modified at a total cost of \$61,500,000.

18 **SEC. 3030. TAMPA HARBOR, FLORIDA.**

19 The project for navigation, Tampa Harbor, Florida,  
20 referred to in section 4 of the Rivers and Harbors Act  
21 of September 22, 1922 (42 Stat. 1042), is modified to  
22 direct the Secretary to credit toward the non-Federal  
23 share of the cost of the project the cost of planning, de-  
24 sign, and construction work carried out by the non-Fed-  
25 eral interest before the date of the partnership agreement



1 for the project if the Secretary determines that the work  
2 is integral to the project.

3 **SEC. 3031. TAMPA HARBOR-BIG BEND CHANNEL, FLORIDA.**

4 The project for navigation, Tampa Harbor-Big Bend  
5 Channel, Florida, authorized by section 101(a)(18) of the  
6 Water Resources Development Act of 1999 (113 Stat.  
7 276) is modified to direct the Secretary to credit toward  
8 the non-Federal share of the cost of the project the cost  
9 of planning, design, and construction work carried out by  
10 the non-Federal interest before the date of the partnership  
11 agreement for the project if the Secretary determines that  
12 the work is integral to the project.

13 **SEC. 3032. MIAMI HARBOR, FLORIDA.**

14 The project for navigation, Miami Harbor Channel,  
15 Florida, authorized by section 101(a)(9) of the Water Re-  
16 sources Development Act of 1990 (104 Stat. 4606) and  
17 modified by section 315 of the Water Resources Develop-  
18 ment Act of 1999 (113 Stat. 302)), is further modified  
19 to include as a project purpose environmental mitigation  
20 required by Federal, State, and local environmental agen-  
21 cies for unauthorized or unanticipated environmental im-  
22 pacts within, or in the vicinity of, the authorized project.

23 **SEC. 3033. LITTLE WOOD RIVER, GOODING, IDAHO.**

24 The project for flood damage reduction, Little Wood  
25 River, Gooding, Idaho, being carried out under section



1 205 of the Flood Control Act of 1948 (33 U.S.C. 701s),  
2 is modified—

3 (1) to authorize the non-Federal interest to pro-  
4 vide any portion of the non-Federal share of the cost  
5 of the project in the form of services, materials, sup-  
6 plies, or other in-kind contributions;

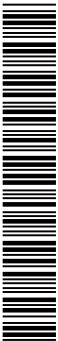
7 (2) to authorize the non-Federal interest to use  
8 funds made available under any other Federal pro-  
9 gram toward the non-Federal share of the cost of  
10 the project if such use of the funds is permitted  
11 under the other Federal program; and

12 (3) to direct the Secretary, in calculating the  
13 non-Federal share of the cost of the project, to make  
14 a determination under section 103(m) of the Water  
15 Resources Development Act of 1986 (33 U.S.C.  
16 2213(m)) on the non-Federal interest's ability to  
17 pay.

18 **SEC. 3034. HENNEPIN-HOPPER LAKES, ILLINOIS.**

19 (a) PROJECT PURPOSE.—The project for flood con-  
20 trol, Hennepin levees, Illinois, authorized by the Flood  
21 Control Act of June 26, 1936 (35 Stat. 1583), is modified  
22 to add environmental restoration as a project purpose.

23 (b) MAXIMUM AMOUNT.—The maximum amount of  
24 Federal funds that may be expended for the project for  
25 improvement of the quality of the environment, Hennepin-



1 Hopper Lakes, Illinois, being carried out under section  
2 1135 of the Water Resources Development Act of 1986  
3 (33 U.S.C. 2309a), shall be \$7,500,000.

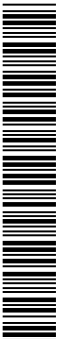
4 (c) LIMITATION.—Nothing in this section shall affect  
5 the eligibility of the project for emergency repair assist-  
6 ance under section 5(a) of the Act entitled “An Act au-  
7 thorizing the construction of certain public works on rivers  
8 and harbors for flood control, and for other purposes”,  
9 approved August 18, 1941 (33 U.S.C. 701n).

10 **SEC. 3035. MISSISSIPPI RIVER AND BIG MUDDY RIVER, ILLI-**  
11 **NOIS.**

12 (a) IN GENERAL.—The project for flood control, Mis-  
13 sissippi River and Big Muddy River, Illinois, authorized  
14 by the Flood Control Act of 1938, is modified to authorize  
15 the Secretary to carry out repair and rehabilitation of the  
16 project at a total cost of \$22,600,000, with an estimated  
17 Federal cost of \$16,950,000 and an estimated non-Fed-  
18 eral cost of \$5,650,000, and to perform operation and  
19 maintenance of the project thereafter.

20 (b) OTHER ASSISTANCE.—Federal assistance made  
21 available through the Department of Agriculture may be  
22 used toward payment of the non-Federal share of the costs  
23 of the repair and rehabilitation under this section.

24 (c) UNITED STATES LANDS.—Costs under this sec-  
25 tion for the repair and rehabilitation allocable to the pro-



1 tection of lands owned by the United States shall be a  
2 Federal responsibility. The Secretary shall seek reimburse-  
3 ment from the Secretary of Agriculture for the costs allo-  
4 cated to protecting lands owned by the Department of Ag-  
5 riculture.

6 (d) OPERATION AND MAINTENANCE OF NON-FED-  
7 ERAL LANDS.—The cost of operation and maintenance  
8 under this section allocated to protecting non-Federal  
9 lands shall be a non-Federal responsibility.

10 **SEC. 3036. SPUNKY BOTTOMS, ILLINOIS.**

11 (a) PROJECT PURPOSE.—The project for flood con-  
12 trol at Spunky Bottoms, Illinois, authorized by section 5  
13 of the Flood Control Act of June 26, 1936 (35 Stat.  
14 1584), is modified to add environmental restoration as a  
15 project purpose.

16 (b) MAXIMUM AMOUNT.—The maximum amount of  
17 Federal funds that may be expended for the project for  
18 improvement of the quality of the environment, Spunky  
19 Bottoms, Illinois, being carried out under section 1135 of  
20 the Water Resources Development Act of 1986 (33 U.S.C.  
21 2309a), shall be \$7,500,000.

22 (c) LIMITATION.—Nothing in this section shall affect  
23 the eligibility of the project for emergency repair assist-  
24 ance under section 5(a) of the Act entitled “An Act au-  
25 thorizing the construction of certain public works on rivers



1 and harbors for flood control, and for other purposes”,  
2 approved August 18, 1941 (33 U.S.C. 701n).

3 **SEC. 3037. EMIQUON, ILLINOIS.**

4 (a) MAXIMUM AMOUNT.—The maximum amount of  
5 Federal funds that may be expended for the project for  
6 aquatic ecosystem restoration, Emiquon, Illinois, being  
7 carried out under section 206 of the Water Resources De-  
8 velopment Act of 1996 (33 U.S.C. 2330), shall be  
9 \$7,500,000.

10 (b) LIMITATION.—Nothing in this section shall affect  
11 the eligibility of the project for emergency repair assist-  
12 ance under section 5(a) of the Act entitled “An Act au-  
13 thorizing the construction of certain public works on rivers  
14 and harbors for flood control, and for other purposes”,  
15 approved August 18, 1941 (33 U.S.C. 701n).

16 **SEC. 3038. LITTLE CALUMET RIVER, INDIANA.**

17 The project for flood control, Little Calumet River,  
18 Indiana, authorized by section 401(a) of the Water Re-  
19 sources Development Act of 1986 (100 Stat. 4115), is  
20 modified to authorize the Secretary to carry out the  
21 project in accordance with the post authorization change  
22 report dated August 2000, at a total cost of  
23 \$186,300,000, with an estimated Federal cost of  
24 \$136,600,000 and an estimated non-Federal cost of  
25 \$49,700,000.

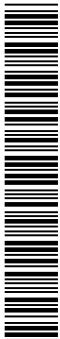


1 **SEC. 3039. WHITE RIVER, INDIANA.**

2       The project for flood control, Indianapolis on West  
3 Fork of White River, Indiana, authorized by section 5 of  
4 the Act entitled “An Act authorizing the construction of  
5 certain public works on rivers and harbors for flood con-  
6 trol, and other purposes”, approved June 22, 1936 (49  
7 Stat. 1586), and modified by section 323 of the Water  
8 Resources Development Act of 1996 (110 Stat. 3716) and  
9 section 322 of the Water Resources Development Act of  
10 1999 (113 Stat. 303–304), is further modified to author-  
11 ize the Secretary to undertake the riverfront alterations  
12 described in the Central Indianapolis Waterfront Concept  
13 Plan, dated February 1994, for the Fall Creek Reach fea-  
14 ture, at a total cost of \$28,545,000 and to direct the Sec-  
15 retary to credit toward the non-Federal share of the cost  
16 of the project the cost of planning, design, and construc-  
17 tion work carried out by the non-Federal interest before  
18 the date of the partnership agreement for the project if  
19 the Secretary determines that the work is integral to the  
20 project.

21 **SEC. 3040. WOLF LAKE, INDIANA.**

22       The project for aquatic ecosystem restoration, Wolf  
23 Lake, Indiana, being carried out under section 206 of the  
24 Water Resources Development Act of 1996 (33 U.S.C.  
25 2330), is modified to direct the Secretary to credit toward  
26 the non-Federal share of the cost of the project the cost



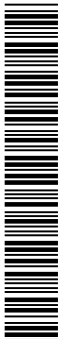
1 of planning, design, and construction work carried out by  
2 the non-Federal interest before the date of the partnership  
3 agreement for the project if the Secretary determines that  
4 the work is integral to the project.

5 **SEC. 3041. PRESTONSBURG, KENTUCKY.**

6 The Prestonsburg, Kentucky, element of the project  
7 for flood control, Levisa and Tug Fork of the Big Sandy  
8 and Cumberland Rivers, West Virginia, Virginia, and Ken-  
9 tucky, authorized by section 202(a) of the Energy and  
10 Water Development Appropriations Act, 1981 (94 Stat.  
11 1339), is modified to direct the Secretary to take measures  
12 to provide a 100-year level of flood protection for the city  
13 of Prestonsburg.

14 **SEC. 3042. AMITE RIVER AND TRIBUTARIES, LOUISIANA,**  
15 **EAST BATON ROUGE PARISH WATERSHED.**

16 The project for flood damage reduction and recre-  
17 ation, Amite River and Tributaries, Louisiana, East  
18 Baton Rouge Parish Watershed, authorized by section  
19 101(a)(21) of the Water Resources Development Act of  
20 1999 (113 Stat. 277) and modified by section 116 of Divi-  
21 sion D of Public Law 108-7 (117 Stat. 140), is further  
22 modified to direct the Secretary to carry out the project  
23 with the cost sharing for the project determined in accord-  
24 ance with section 103(a) of the Water Resources Develop-





1 ment Act of 1986 (33 U.S.C. 2213(a)), as in effect on  
2 October 11, 1996.

3 **SEC. 3043. ATCHAFALAYA BASIN, LOUISIANA.**

4 (a) IN GENERAL.—Section 315(a)(1) of the Water  
5 Resources Development Act of 2000 (114 Stat. 2603–  
6 2604) is amended to read as follows:

7 “(1) is authorized to study, design, construct,  
8 operate, and maintain, at Federal expense, a Type  
9 A Regional Visitor Center in the vicinity of Morgan  
10 City, Louisiana, in consultation with the State of  
11 Louisiana, to provide information to the public on  
12 the Atchafalaya River system and other associated  
13 waterways that have influenced surrounding commu-  
14 nities, and national and local water resources devel-  
15 opment of the Army Corps of Engineers in South  
16 Central Louisiana; and”.

17 (b) TECHNICAL CORRECTION.—Section 315(b) of  
18 such Act is amended by striking “(a)” and inserting  
19 “(a)(2)”.

20 (c) DONATIONS.—Section 315 of such Act is amend-  
21 ed by adding at the end the following:

22 “(c) DONATIONS.—In carrying out subsection (a)(1),  
23 the Mississippi River Commission is authorized to accept  
24 the donation of cash, funds, lands, materials, and services



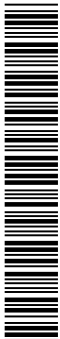
1 from non-Federal governmental entities and non-profit  
2 corporations.”.

3 **SEC. 3044. PUBLIC ACCESS, ATCHAFALAYA BASIN**  
4 **FLOODWAY SYSTEM, LOUISIANA.**

5 The public access feature of the Atchafalaya Basin  
6 Floodway System, Louisiana, project, authorized by the  
7 Water Resources Development Act 1986 (100 Stat. 4142),  
8 is modified to authorize the Secretary to acquire from will-  
9 ing sellers the fee interest, exclusive of oil, gas, and min-  
10 erals, of an additional 20,000 acres of land within the  
11 Lower Atchafalaya Basin Floodway for the public access  
12 feature of the Atchafalaya Basin Floodway System, to en-  
13 hance fish and wildlife resources, at a total cost of  
14 \$4,000,000.

15 **SEC. 3045. J. BENNETT JOHNSTON WATERWAY, MISSISSIPPI**  
16 **RIVER TO SHREVEPORT, LOUISIANA.**

17 The project for mitigation of fish and wildlife losses,  
18 J. Bennett Johnston Waterway, Mississippi River to  
19 Shreveport, Louisiana, authorized by section 601(a) of the  
20 Water Resources Development Act of 1986 (100 Stat.  
21 4142) and modified by section 4(h) of the Water Re-  
22 sources Development Act of 1988 (102 Stat. 4016), sec-  
23 tion 102(p) of the Water Resources Development Act of  
24 1990 (104 Stat. 4613), section 301(b)(7) of the Water  
25 Resources Development Act of 1996 (110 Stat. 3710), and



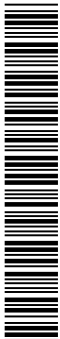
1 section 316 of the Water Resources Development Act of  
2 2000 (114 Stat. 2572), is further modified to authorize  
3 the purchase and reforestation of lands which have been  
4 cleared or converted to agricultural uses.

5 **SEC. 3046. MISSISSIPPI DELTA REGION, LOUISIANA.**

6 The Mississippi Delta Region project, Louisiana, au-  
7 thorized as part of the project for hurricane-flood protec-  
8 tion on Lake Pontchartrain, Louisiana, by section 204 of  
9 the Flood Control Act of 1965 (79 Stat. 1077) and modi-  
10 fied by section 365 of the Water Resources Development  
11 Act of 1996 (110 Stat. 3739), is further modified to direct  
12 the Secretary to credit toward the non-Federal share of  
13 the cost of the project the costs of relocating oyster beds  
14 in the Davis Pond project area if the Secretary determines  
15 that the work is integral to the Mississippi Delta Region  
16 project.

17 **SEC. 3047. NEW ORLEANS TO VENICE, LOUISIANA.**

18 The New Orleans to Venice, Louisiana, project for  
19 hurricane protection, authorized by section 203 of the  
20 Flood Control Act of 1962 (76 Stat. 1184), is modified  
21 to authorize the Secretary to carry out the work on the  
22 St. Jude to City Price, Upper Reach A back levee. The  
23 Federal share of the cost of such work shall be 70 percent.



1 **SEC. 3048. WEST BANK OF THE MISSISSIPPI RIVER (EAST**  
2 **OF HARVEY CANAL), LOUISIANA.**

3 Section 328 of the Water Resources Development Act  
4 of 1999 (113 Stat. 304–305) is amended—

5 (1) in subsection (a)—

6 (A) by striking “operation and mainte-  
7 nance” and inserting “operation, maintenance,  
8 rehabilitation, repair, and replacement”; and

9 (B) by striking “Algiers Channel” and in-  
10 serting “Algiers Canal Levees”; and

11 (2) by adding at the end the following:

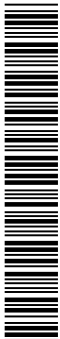
12 “(c) COST SHARING.—The non-Federal share of the  
13 cost of the project shall be 35 percent.”.

14 **SEC. 3049. CAMP ELLIS, SACO, MAINE.**

15 The maximum amount of Federal funds that may be  
16 expended for the project being carried out under section  
17 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i)  
18 for the mitigation of shore damages attributable to the  
19 project for navigation, Camp Ellis, Saco, Maine, shall be  
20 \$10,000,000.

21 **SEC. 3050. UNION RIVER, MAINE.**

22 The project for navigation, Union River, Maine, au-  
23 thorized by the first section of the Act entitled “An Act  
24 making appropriations for the construction, repair, and  
25 preservation of certain public works on rivers and harbors,  
26 and for other purposes”, approved June 3, 1896 (29 Stat.



1 215), is modified by redesignating as an anchorage area  
2 that portion of the project consisting of a 6-foot turning  
3 basin and lying northerly of a line commencing at a point  
4 N315,975.13, E1,004,424.86 thence running north 61 de-  
5 grees 27 minutes 20.71 seconds west about 132.34 feet  
6 to a point N316,038.37, E1,004,308.61.

7 **SEC. 3051. CASS RIVER, SPAULDING TOWNSHIP, MICHIGAN.**

8 (a) IN GENERAL.—The project for flood damage re-  
9 duction, Cass River, Spaulding Township, Saginaw Coun-  
10 ty, Michigan, being carried out under section 205 of the  
11 Flood Control Act of 1948 (33 U.S.C. 701s), is modified  
12 to incorporate flood control works constructed by the non-  
13 Federal interests between Sheridan Road and East Street  
14 (M-13) if the Secretary determines that the inclusion of  
15 such flood control works is feasible.

16 (b) CREDIT.—The Secretary shall credit toward the  
17 non-Federal share of the cost of the project the cost of  
18 work carried out by the non-Federal interest before the  
19 date of the partnership agreement for the project if the  
20 Secretary determines that the work is integral to the  
21 project.

22 **SEC. 3052. DETROIT RIVER SHORELINE, DETROIT, MICHIGAN.**  
23

24 (a) IN GENERAL.—The project for emergency  
25 streambank and shoreline protection, Detroit River Shore-



1 line, Detroit, Michigan, being carried out under section 14  
2 of the Flood Control Act of 1946 (33 U.S.C. 701r), is  
3 modified to include measures to enhance public access.

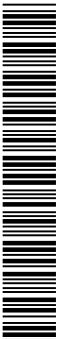
4 (b) MAXIMUM FEDERAL EXPENDITURE.—The max-  
5 imum amount of Federal funds that may be expended for  
6 the project shall be \$3,000,000.

7 **SEC. 3053. WATER RESOURCES INSTITUTE, MUSKEGON,**  
8 **MICHIGAN.**

9 (a) IN GENERAL.—The project for emergency  
10 streambank and shoreline protection, Water Resources In-  
11 stitute, Muskegon, Michigan, being carried out under sec-  
12 tion 14 of the Flood Control Act of 1946 (33 U.S.C.  
13 701r), is modified to provide for completion of shoreline  
14 protection measures in accordance with the approved  
15 plans and specifications for Grand Valley State University,  
16 Lake Michigan Center, dated August 6, 2001.

17 (b) MAXIMUM FEDERAL EXPENDITURE.—The max-  
18 imum amount of Federal funds that may be expended for  
19 the project shall be \$2,000,000.

20 (c) CREDIT.—The Secretary shall credit toward the  
21 non-Federal share of the cost of the project the cost of  
22 design and implementation of shoreline protection meas-  
23 ures carried out by the non-Federal interest before the  
24 date of the partnership agreement for the project if the



1 Secretary determines that the work is integral to the  
2 project.

3 **SEC. 3054. SAGINAW RIVER, BAY CITY, MICHIGAN.**

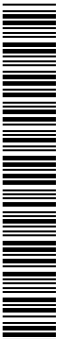
4 The maximum amount of Federal funds that may be  
5 expended for the project for emergency streambank pro-  
6 tection, Saginaw River, Bay City, Michigan, being carried  
7 out under section 14 of the Flood Control Act of 1946  
8 (33 U.S.C. 701r), shall be \$2,000,000.

9 **SEC. 3055. ADA, MINNESOTA.**

10 (a) IN GENERAL.—The project for flood damage re-  
11 duction, Wild Rice River, Ada, Minnesota, being carried  
12 out under section 205 of the Flood Control Act of 1948  
13 (33 U.S.C. 701s), is modified to authorize the Secretary  
14 to consider national ecosystem restoration benefits in de-  
15 termining the Federal interest in the project.

16 (b) EVALUATION OF BENEFITS AND COSTS.—In  
17 evaluating the economic benefits and costs for the project,  
18 the Secretary shall not consider the emergency levee adja-  
19 cent to Judicial Ditch No. 51 in the determination of con-  
20 ditions existing prior to construction of the project.

21 (c) SPECIAL RULE.—In evaluating and implementing  
22 the project, the Secretary shall allow the non-Federal in-  
23 terest to participate in the financing of the project in ac-  
24 cordance with section 903(c) of the Water Resources De-  
25 velopment Act of 1986 (100 Stat. 4184) to the extent that



1 the Secretary's evaluation indicates that applying such  
2 section is necessary to implement the project.

3 **SEC. 3056. DULUTH HARBOR, MCQUADE ROAD, MINNESOTA.**

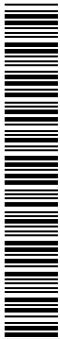
4 (a) IN GENERAL.—The project for navigation, Du-  
5 luth Harbor, McQuade Road, Minnesota, being carried out  
6 under section 107 of the River and Harbor Act of 1960  
7 (33 U.S.C. 577) and modified by section 321 of the Water  
8 Resources Development Act of 2000 (114 Stat. 2605), is  
9 further modified to authorize the Secretary to provide  
10 public access and recreational facilities as generally de-  
11 scribed in the Detailed Project Report and Environmental  
12 Assessment, McQuade Road Harbor of Refuge, Duluth,  
13 Minnesota, dated August 1999.

14 (b) CREDIT.—The Secretary shall provide credit to-  
15 ward the non-Federal share of the cost of the project for  
16 the costs of design work carried out before the date of  
17 the partnership agreement for the project if the Secretary  
18 determines that the work is integral to the project.

19 (c) MAXIMUM FEDERAL EXPENDITURE.—The max-  
20 imum amount of Federal funds that may be expended for  
21 the project shall be \$5,000,000.

22 **SEC. 3057. GRAND PORTAGE HARBOR, MINNESOTA.**

23 The Secretary shall provide credit toward the non-  
24 Federal share of the cost of the navigation project for  
25 Grand Portage Harbor, Minnesota, carried out under sec-





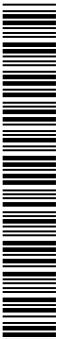
tion 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) and modified by section 312 of the Water Resources Development Act of 2000 (114 Stat. 2605), for the costs of design work carried out before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

**SEC. 3058. GRANITE FALLS, MINNESOTA.**

(a) IN GENERAL.—The Secretary is directed to implement under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) the locally preferred plan for flood damage reduction, Granite Falls, Minnesota, substantially in accordance with the detailed project report dated 2002, at a total cost of \$12,000,000, with an estimated Federal cost of \$8,000,000 and an estimated non-Federal cost of \$4,000,000.

(b) PROJECT FINANCING.—In evaluating and implementing the project under this section, the Secretary shall allow the non-Federal interests to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184), to the extent that the detailed project report evaluation indicates that applying such section is necessary to implement the project.

(c) CREDIT.—The Secretary shall credit toward the non-Federal share of the project the cost of design and



1 construction work carried out by the non-Federal interest  
2 before date of execution of a partnership agreement for  
3 the project if the Secretary determines that the work is  
4 integral to the project.

5 (d) MAXIMUM FUNDING.—The maximum amount of  
6 Federal funds that may be expended for the flood damage  
7 reduction shall be \$8,000,000.

8 **SEC. 3059. MINNEAPOLIS, MINNESOTA.**

9 Section 527 of the Water Resources Development Act  
10 of 2000 (114 Stat. 2657) is amended—

11 (1) in subsection (a) by inserting after “June  
12 30, 1999” the following “, and including Hennepin  
13 Island and adjacent areas on the east side of the  
14 Mississippi River”; and

15 (2) in subsection (c) by striking “\$10,000,000”  
16 and inserting “\$25,000,000”.

17 **SEC. 3060. RED LAKE RIVER, MINNESOTA.**

18 The project for flood control, Red Lake River at  
19 Crookston, Minnesota, authorized by section 101(a)(23) of  
20 the Water Resources Development Act of 1999 (113 Stat.  
21 278), is modified to include flood protection for the adja-  
22 cent and interconnected areas generally known as the  
23 Sampson and Chase/Loring neighborhoods, in accordance  
24 with the Feasibility Report Supplement, Local Flood Pro-  
25 tection, Crookston, Minnesota, at a total cost of



1 \$25,000,000, with an estimated Federal cost of  
2 \$16,250,000 and an estimated non-Federal cost of  
3 \$8,750,000.

4 **SEC. 3061. SILVER BAY, MINNESOTA.**

5 The project for navigation, Silver Bay, Minnesota,  
6 authorized by section 2 of the Rivers and Harbors Act  
7 of March 2, 1945 (59 Stat. 19), is modified to include  
8 operation and maintenance of the general navigation fa-  
9 cilities as a Federal responsibility.

10 **SEC. 3062. TACONITE HARBOR, MINNESOTA.**

11 The project for navigation, Taconite Harbor, Min-  
12 nesota, carried out under section 107 of the River and  
13 Harbor Act of 1960 (33 U.S.C. 577), is modified to in-  
14 clude operation and maintenance of the general navigation  
15 facilities as a Federal responsibility.

16 **SEC. 3063. TWO HARBORS, MINNESOTA.**

17 (a) IN GENERAL.—The project for navigation, Two  
18 Harbors, Minnesota, being carried out under section 107  
19 of the River and Harbor Act of 1960 (33 U.S.C. 577),  
20 is modified to include construction of a dredged material  
21 disposal facility, including actions required to clear the  
22 site.

23 (b) LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—  
24 Non-Federal interests shall be responsible for providing all  
25 lands, easements, rights-of-way, and relocations necessary



1 for the construction of the dredged material disposal facil-  
2 ity.

3 (c) MAXIMUM FEDERAL EXPENDITURE.—The max-  
4 imum amount of Federal funds that may be expended for  
5 the project shall be \$5,000,000.

6 **SEC. 3064. DEER ISLAND, HARRISON COUNTY, MISSISSIPPI.**

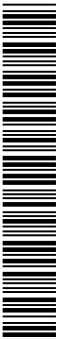
7 The project for ecosystem restoration, Deer Island,  
8 Harrison County, Mississippi, being carried out under sec-  
9 tion 204 of the Water Resources Development Act of 1992  
10 (33 U.S.C. 2326) is modified to authorize the non-Federal  
11 interest to provide any portion of the non-Federal share  
12 of the cost of the project in the form of services, materials,  
13 supplies, or other in-kind contributions.

14 **SEC. 3065. BOIS BRULE DRAINAGE AND LEVEE DISTRICT,**  
15 **MISSOURI.**

16 The maximum amount of Federal funds that may be  
17 expended for the project for flood damage reduction, Bois  
18 Brule Drainage and Levee District, Missouri, being car-  
19 ried out under section 205 of the Flood Control Act of  
20 1948 (33 U.S.C. 701s), shall be \$25,000,000.

21 **SEC. 3066. SAND CREEK WATERSHED, WAHOO, NEBRASKA.**

22 The project for ecosystem restoration and flood dam-  
23 age reduction, Sand Creek watershed, Wahoo, Nebraska,  
24 authorized by section 101(b)(20) of the Water Resources  
25 Development Act of 2000 (114 Stat. 2578), is modified



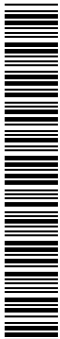
1 to direct the Secretary to credit toward the non-Federal  
2 share of the cost of the project the cost of work carried  
3 out by the non-Federal interest before the date of the part-  
4 nership agreement for the project if the Secretary deter-  
5 mines that the work is integral to the project.

6 **SEC. 3067. ALAMOGORDO, NEW MEXICO.**

7 The Secretary shall review the general reevaluation  
8 report, dated March 1999, for the project for flood protec-  
9 tion, Alamogordo, New Mexico, authorized by section 203  
10 of the Flood Control Act of 1962 (76 Stat. 85), and deter-  
11 mine if the locally preferred flood detention basin would  
12 provide the same level of flood protection for the north  
13 side of the city of Alamogordo at a cost that is not greater  
14 than the cost of authorized channel improvements. If the  
15 Secretary determines that the flood detention basin is fea-  
16 sible, would provide the same level of flood protection, and  
17 can be constructed at the no additional cost, the Secretary  
18 may construct the flood detention basin instead of the  
19 channel improvements. The Federal share of the cost of  
20 the flood detention basin alternative shall be calculated in  
21 the same manner as if the channel improvements project  
22 was being constructed.

23 **SEC. 3068. ORCHARD BEACH, BRONX, NEW YORK.**

24 The project for shoreline protection, Orchard Beach,  
25 Bronx, New York, authorized by section 554 of the Water



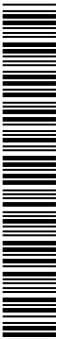
1 Resources Development Act of 1996 (110 Stat. 3781), is  
2 modified to authorize the Secretary to construct the  
3 project, at a total cost of \$18,000,000.

4 **SEC. 3069. TIMES BEACH, BUFFALO, NEW YORK.**

5 The project for improvement of the quality of the en-  
6 vironment, Times Beach, Buffalo, New York, being car-  
7 ried out under section 1135 of the Water Resources Devel-  
8 opment Act of 1986 (100 Stat. 4251), is modified to direct  
9 the Secretary to credit not more than \$750,000 toward  
10 the non-Federal share of the cost of the project for the  
11 cost of planning, design, and construction work carried out  
12 by the non-Federal interest before the date of the partner-  
13 ship agreement for the project if the Secretary determines  
14 the work is integral to the project.

15 **SEC. 3070. PORT OF NEW YORK AND NEW JERSEY, NEW**  
16 **YORK AND NEW JERSEY.**

17 The Secretary may not require as an item of local  
18 cooperation in the construction of the project for naviga-  
19 tion, Port of New York and New Jersey, New York and  
20 New Jersey, authorized by section 101(a)(2) of the Water  
21 Resources Development Act of 2000 (114 Stat. 2576),  
22 that the non-Federal interest agree that the container fa-  
23 cilities at the former Military Ocean Terminal at the Ba-  
24 yonne, New Jersey, site along the Port Jersey Channel  
25 be operational prior to construction of the 50-foot deep



1 Port Jersey Channel. Such container facilities may be  
2 made operational concurrent with the navigation project.

3 **SEC. 3071. NEW YORK STATE CANAL SYSTEM.**

4 Section 553(c) of the Water Resources Development  
5 Act of 1996 (110 Stat. 3781) is amended to read as fol-  
6 lows:

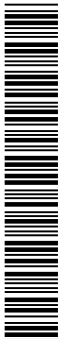
7 “(c) NEW YORK STATE CANAL SYSTEM DEFINED.—  
8 In this section, the term ‘New York State Canal System’  
9 means the 524 miles of navigable canal that comprise the  
10 New York State Canal System, including the Erie, Ca-  
11 yuga-Seneca, Oswego, and Champlain Canals and the his-  
12 toric alignments of these canals, including the cities of Al-  
13 bany and Buffalo.”.

14 **SEC. 3072. ARCADIA LAKE, OKLAHOMA.**

15 Payments made by the city of Edmond, Oklahoma,  
16 to the Secretary in October 1999 of all costs associated  
17 with present and future water storage costs at Arcadia  
18 Lake, Oklahoma, under Arcadia Lake Water Storage Con-  
19 tract Number DACW56–79–C–002 shall satisfy the obli-  
20 gations of the city under that contract.

21 **SEC. 3073. WILLAMETTE RIVER TEMPERATURE CONTROL,**  
22 **MCKENZIE SUBBASIN, OREGON.**

23 (a) IN GENERAL.—The project for environmental  
24 restoration, Willamette River Temperature Control,  
25 McKenzie Subbasin, Oregon, authorized by section



1 101(a)(25) of the Water Resources Development Act of  
2 1996 (110 Stat. 3665) and modified by section 344 of  
3 the Water Resources Development Act of 1999 (113 Stat.  
4 308), is further modified to direct the Secretary to pay,  
5 subject to the availability of appropriations, compensation  
6 for losses to small business attributable to the implemen-  
7 tation of the draw down conducted as a part of project  
8 implementation in 2002.

9 (b) ESTABLISHMENT OF PROGRAM.—Not later than  
10 120 days after the date of enactment of this Act, the Sec-  
11 retary shall establish, and provide public notice of, a  
12 program—

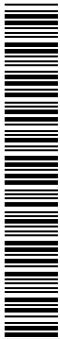
13 (1) to receive claims for compensation for losses  
14 to small business attributable to the implementation  
15 of the draw down conducted as a part of project im-  
16 plementation in 2002;

17 (2) to evaluate claims for such losses; and

18 (3) to pay claims for such losses.

19 (c) IMPLEMENTATION OF PROGRAM.—In carrying  
20 out the program established under subsection (b), the Sec-  
21 retary shall provide—

22 (1) public notice of the existence of the pro-  
23 gram sufficient to reach those in the area that may  
24 have suffered losses to small businesses;





1           (2) a period for the submission of claims of not  
2           fewer than 45 days and not greater than 75 days  
3           from the date of the first public notice of the exist-  
4           ence of the program;

5           (3) for the evaluation of each claim submitted  
6           to the Secretary under the program and a deter-  
7           mination of whether the claim constitutes a loss to  
8           a small business on or before the last day of the 30-  
9           day period beginning on the date of submission of  
10          the claim; and

11          (4) for the payment of each claim that the Sec-  
12          retary determines constitutes a loss to a small busi-  
13          ness on or before the last day of the 30-day period  
14          beginning on the date of the Secretary's determina-  
15          tion.

16          (d) LOSS TO A SMALL BUSINESS DEFINED.—In this  
17          section, the term “loss to a small business” means docu-  
18          mented financial losses associated with commercial activ-  
19          ity of a small business that can be attributed to the tur-  
20          bidity levels in the McKenzie River being higher than  
21          those anticipated in the original planning documents and  
22          public announcements existing before the initiation of the  
23          draw down in 2002. Commercial losses include decline in  
24          sales, loss of revenue (including loss of revenue from can-  
25          celed or delayed reservations at lodging establishments),



1 and any other financial losses that can be shown to be  
2 associated with the elevated turbidity levels in the  
3 McKenzie River in 2002.

4 (e) PAYMENT OF CLAIMS.—The payment of claims  
5 for losses to small businesses shall be a Federal responsi-  
6 bility.

7 **SEC. 3074. FRENCH CREEK, UNION CITY DAM, PENNSYLVANIA.**  
8

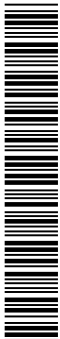
9 The project for flood control French Creek, Union  
10 City Dam, Pennsylvania, authorized by section 203 of the  
11 Flood Control Act of 1962 (76 Stat. 1189), is modified  
12 to include recreation as a project purpose.

13 **SEC. 3075. LACKAWANNA RIVER AT OLYPHANT, PENNSYLVANIA.**  
14

15 The project for flood control, Lackawanna River at  
16 Olyphant, Pennsylvania, authorized by section 101(16) of  
17 the Water Resources Development Act of 1992 (106 Stat.  
18 4803), is modified to authorize the Secretary to construct  
19 the project, at a total cost of \$20,000,000.

20 **SEC. 3076. LACKAWANNA RIVER AT SCRANTON, PENNSYLVANIA.**  
21

22 The project for flood control, Lackawanna River at  
23 Scranton, Pennsylvania, authorized by section 101(17) of  
24 the Water Resources Development Act of 1992 (106 Stat.



1 4803), is modified to authorize the Secretary to construct  
2 the project, at a total cost of \$23,000,000.

3 **SEC. 3077. RAYSTOWN LAKE, PENNSYLVANIA.**

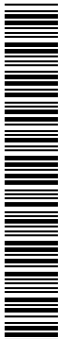
4 The Secretary may take such action as may be nec-  
5 essary, including construction of a breakwater, to prevent  
6 shoreline erosion between .07 and 2.7 miles south of Penn-  
7 sylvania State Route 994 on the east shore of Raystown  
8 Lake, Pennsylvania.

9 **SEC. 3078. SHERADEN PARK STREAM AND CHARTIERS**  
10 **CREEK, ALLEGHENY COUNTY, PENNSYL-**  
11 **VANIA.**

12 The project for aquatic ecosystem restoration,  
13 Sheraden Park Stream and Chartiers Creek, Allegheny  
14 County, Pennsylvania, being carried out under section 206  
15 of the Water Resources Development Act of 1996 (33  
16 U.S.C. 2330), is modified to direct the Secretary to credit  
17 up to \$400,000 toward the non-Federal share of the cost  
18 of the project for planning and design work carried out  
19 by the non-Federal interest before the date of the partner-  
20 ship agreement for the project if the Secretary determines  
21 that the work is integral to the project.

22 **SEC. 3079. SOLOMON'S CREEK, WILKES-BARRE, PENNSYL-**  
23 **VANIA.**

24 The project for flood control, Wyoming Valley, Penn-  
25 sylvania, authorized by section 401(a) of the Water Re-



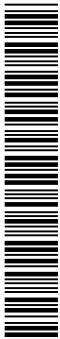
1 sources Development Act of 1986 (100 Stat. 4124), is  
2 modified to include as a project element the project for  
3 flood control for Solomon's Creek, Wilkes-Barre, Pennsyl-  
4 vania.

5 **SEC. 3080. SOUTH CENTRAL PENNSYLVANIA.**

6 Section 313(h)(2) of the Water Resources Develop-  
7 ment Act of 1992 (106 Stat. 4847; 107 Stat. 407; 117  
8 Stat. 142) is amended by striking "Allegheny, Armstrong,  
9 Bedford, Blair, Cambria, Clearfield, Fayette, Franklin,  
10 Fulton, Greene, Huntingdon, Indiana, Juniata, Mifflin,  
11 Somerset, Snyder, Washington, and Westmoreland Coun-  
12 ties" and inserting "Allegheny, Armstrong, Bedford,  
13 Blair, Cambria, Fayette, Franklin, Fulton, Greene, Hun-  
14 tingdon, Indiana, Juniata, Somerset, Washington, and  
15 Westmoreland Counties".

16 **SEC. 3081. WYOMING VALLEY, PENNSYLVANIA.**

17 In carrying out the project for flood control, Wyo-  
18 ming Valley, Pennsylvania, authorized by section 401(a)  
19 of the Water Resources Development Act of 1986 (100  
20 Stat. 4124), the Secretary shall coordinate with non-Fed-  
21 eral interests to review opportunities for increased public  
22 access.



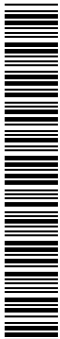
1 **SEC. 3082. LITTLE LIMESTONE CREEK, JONESBOROUGH,**  
2 **TENNESSEE.**

3 In evaluating and implementing the project for flood  
4 damage reduction, Little Limestone Creek, Jonesborough,  
5 Tennessee, under section 205 of the Flood Control Act  
6 of 1948 (33 U.S.C. 701s), the Secretary shall allow the  
7 non-Federal interest to participate in the financing of the  
8 project in accordance with section 903(c) of the Water Re-  
9 sources Development Act of 1986 (100 Stat. 4184), to the  
10 extent that the Secretary's evaluation indicates that apply-  
11 ing such section is necessary to implement the project.

12 **SEC. 3083. LAKE KEMP, TEXAS.**

13 (a) IN GENERAL.—The Secretary may not take any  
14 legal or administrative action seeking to remove a Lake  
15 Kemp improvement before the earlier of January 1, 2020,  
16 or the date of any transfer of ownership of the improve-  
17 ment occurring after the date of enactment of this Act.

18 (b) LIMITATION ON LIABILITY.—The United States,  
19 or any of its officers, agents, or assignees, shall not be  
20 liable for any injury, loss, or damage accruing to the own-  
21 ers of a Lake Kemp improvement, their lessees, or occu-  
22 pants as a result of any flooding or inundation of such  
23 improvements by the waters of the Lake Kemp reservoir,  
24 or for such injury, loss, or damage as may occur through  
25 the operation and maintenance of the Lake Kemp dam  
26 and reservoir in any manner.



1 (c) LAKE KEMP IMPROVEMENT DEFINED.—In this  
2 section, the term “Lake Kemp improvement” means an  
3 improvement (including dwellings) located within the flow-  
4 age easement of Lake Kemp, Texas, below elevation 1159  
5 feet mean sea level.

6 **SEC. 3084. LOWER RIO GRANDE BASIN, TEXAS.**

7 The project for flood control, Lower Rio Grande  
8 Basin, Texas, authorized by section 401(a) of the Water  
9 Resources Development Act of 1986 (100 Stat. 4125), is  
10 modified—

11 (1) to direct the Secretary to credit toward the  
12 non-Federal share of the cost of the project the cost  
13 of planning, design, and construction work carried  
14 out by the non-Federal interest before the date of  
15 the partnership agreement for the project if the Sec-  
16 retary determines that the work is integral to the  
17 project; and

18 (2) to direct the Secretary, in calculating the  
19 non-Federal share of the cost of the project, to make  
20 a determination under section 103(m) of the Water  
21 Resources Development Act of 1986 (33 U.S.C.  
22 2213(m)) on the non-Federal interest’s ability to  
23 pay .



1   **SEC. 3085. NORTH PADRE ISLAND, CORPUS CHRISTI BAY,**  
2                   **TEXAS.**

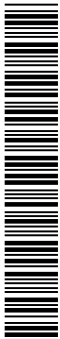
3       The project for ecosystem restoration and storm dam-  
4 age reduction, North Padre Island, Corpus Christi Bay,  
5 Texas, authorized by section 556 of the Water Resources  
6 Development Act of 1999 (113 Stat. 353), is modified to  
7 include recreation as a project purpose.

8   **SEC. 3086. PROCTOR LAKE, TEXAS.**

9       The Secretary is authorized to convert flowage ease-  
10 ments to fee simple title in the subdivisions of Buffalo  
11 Springs and Frees Lakeview, and adjacent areas, located  
12 within the boundaries necessary for the operation of the  
13 Proctor Lake project, Texas, authorized by section 203  
14 of the Flood Control Act of 1954 (68 Stat. 1259), and  
15 to purchase all improved and unimproved properties with-  
16 in such boundaries and to pay relocation assistance bene-  
17 fits to qualified landowners as applicable under the provi-  
18 sions of the Uniform Relocation Assistance and Real  
19 Property Acquisition Act of 1970 (42 USC 4601 et seq.).

20   **SEC. 3087. SAN ANTONIO CHANNEL, SAN ANTONIO, TEXAS.**

21       The project for flood control, San Antonio Channel,  
22 Texas, authorized by section 203 of the Flood Control Act  
23 of 1954 (68 Stat. 1259) as part of the comprehensive plan  
24 for flood protection on the Guadalupe and San Antonio  
25 Rivers in Texas and modified by section 103 of the Water  
26 Resources Development Act of 1976 (90 Stat. 2921) and



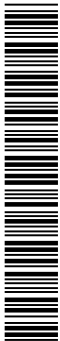
1 section 335 of the Water Resources Development Act of  
2 2000 (114 Stat. 2611), is further modified to authorize  
3 the Secretary to credit toward the non-Federal share of  
4 the cost of the project the cost of construction work car-  
5 ried out by the non-Federal interest before the date of the  
6 partnership agreement for the project if the Secretary de-  
7 termines that the work is integral to the project.

8 **SEC. 3088. ELIZABETH RIVER, CHESAPEAKE, VIRGINIA.**

9 Section 358 of the Water Resources Development Act  
10 of 1999 (113 Stat. 312) is amended by striking “Sep-  
11 tember 30, 1999” and inserting “May 4, 1997”.

12 **SEC. 3089. ROANOKE RIVER UPPER BASIN, VIRGINIA.**

13 The project for flood control, Roanoke River Upper  
14 Basin, Virginia, authorized by section 401(a) of the Water  
15 Resources Development Act of 1986 (100 Stat. 4126) and  
16 modified by section 110 of the Energy and Water Develop-  
17 ment Appropriations Act, 1990 (103 Stat. 650), is further  
18 modified to authorize the Secretary to construct the  
19 project, at a total cost of \$64,300,000, with an estimated  
20 Federal cost of \$42,100,000 and an estimated non-Fed-  
21 eral cost of \$22,200,000. In carrying out the project, the  
22 Secretary shall award contracts based on invitation-for-  
23 bids procedures.





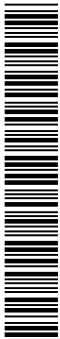
1 **SEC. 3090. BLAIR AND SITCUM WATERWAYS, TACOMA HAR-**  
2 **BOR, WASHINGTON.**

3 (a) IN GENERAL.—The project for navigation, Blair  
4 and Sitcum Waterways, Tacoma Harbor, Washington, au-  
5 thorized by section 202(a) of the Water Resources Devel-  
6 opment Act of 1986 (100 Stat. 4096) and deepened to  
7 51 feet under section 107 of the River and Harbor Act  
8 of 1960 (33 U.S.C. 577), is modified to direct the Sec-  
9 retary to review the locally prepared plan for the Blair  
10 and Sitcum Waterways, Washington, and, if the Secretary  
11 determines that the plan meets the evaluation and design  
12 standards of the Corps of Engineers and that the plan  
13 is feasible, to authorize the Secretary to carry out the  
14 plan, at a Federal cost of \$4,240,000.

15 (b) NON-FEDERAL WORK.—The Secretary shall pro-  
16 vide credit toward or reimbursement for the non-Federal  
17 share of the cost of the project the cost of work carried  
18 out by the non-Federal interest before the date of the part-  
19 nership agreement for the project if the Secretary deter-  
20 mines that the work is integral to the project.

21 **SEC. 3091. GREENBRIER RIVER BASIN, WEST VIRGINIA.**

22 Section 579(c) of the Water Resources Development  
23 Act of 1996 (110 Stat. 3790; 113 Stat. 312) is amended  
24 by striking “\$47,000,000” and inserting “\$89,000,000”.



1 **SEC. 3092. MANITOWOC HARBOR, WISCONSIN.**

2 The project for navigation, Manitowoc Harbor, Wis-  
3 consin, authorized by the River and Harbor Act of August  
4 30, 1852, is modified to direct the Secretary to deepen  
5 the upstream reach of the navigation channel from 12 feet  
6 to 18 feet, at a total cost of \$300,000.

7 **SEC. 3093. MISSISSIPPI RIVER HEADWATERS RESERVOIRS.**

8 Section 21 of the Water Resources Development Act  
9 of 1988 (102 Stat. 4027) is amended—

10 (1) in subsection (a)—

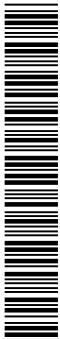
11 (A) by striking “1276.42” and inserting  
12 “1278.42”;

13 (B) by striking “1218.31” and inserting  
14 “1221.31”; and

15 (C) by striking “1234.82” and inserting  
16 “1235.30”; and

17 (2) by striking subsection (b) and inserting the  
18 following:

19 “(b) EXCEPTION.—The Secretary may operate the  
20 headwaters reservoirs below the minimum or above the  
21 maximum water levels established in subsection (a) in ac-  
22 cordance with water control regulation manuals (or revi-  
23 sions thereto) developed by the Secretary, after consulta-  
24 tion with the Governor of Minnesota and affected tribal  
25 governments, landowners, and commercial and rec-  
26 reational users. The water control regulation manuals



1 (and any revisions thereto) shall be effective when the Sec-  
2 retary transmits them to Congress. The Secretary shall  
3 report to Congress at least 14 days before operating any  
4 such headwaters reservoir below the minimum or above  
5 the maximum water level limits specified in subsection (a);  
6 except that notification is not required for operations nec-  
7 essary to prevent the loss of life or to ensure the safety  
8 of the dam or where the drawdown of lake levels is in an-  
9 ticipation of flood control operations.”.

10 **SEC. 3094. CONTINUATION OF PROJECT AUTHORIZATIONS.**

11 (a) IN GENERAL.—Notwithstanding section  
12 1001(b)(2) of the Water Resources Development Act of  
13 1986 (33 U.S.C. 579a(b)(2)), the following projects shall  
14 remain authorized to be carried out by the Secretary:

15 (1) The project for navigation, Fall River Har-  
16 bor, Massachusetts, authorized by section 101 of the  
17 River and Harbor Act of 1968 (82 Stat. 731).

18 (2) The project for flood control, Agana River,  
19 Guam, authorized by section 401(a) of the Water  
20 Resources Development Act of 1986 (100 Stat.  
21 4127).

22 (b) LIMITATION.—A project described in subsection  
23 (a) shall not be authorized for construction after the last  
24 day of the 5-year period beginning on the date of enact-  
25 ment of this Act, unless, during such period, funds have



1 been obligated for the construction (including planning  
2 and design) of the project.

3 **SEC. 3095. PROJECT REAUTHORIZATIONS.**

4 Each of the following projects may be carried out by  
5 the Secretary and no construction on any such project may  
6 be initiated until the Secretary determines that the project  
7 is feasible:

8 (1) MENOMINEE HARBOR AND RIVER, MICHIGAN AND WISCONSIN.—The project for navigation,  
9 Menominee Harbor and River, Michigan and Wisconsin, authorized by section 101 of the River and  
10 Harbor Act of 1960 (74 Stat. 482) and deauthorized  
11 on April 15, 2002, in accordance with section  
12 1001(b)(2) of the Water Resources Development Act  
13 of 1986 (33 U.S.C. 579a(b)(2)).

16 (2) MANITOWOC HARBOR, WISCONSIN.—That  
17 portion of the project for navigation, Manitowoc  
18 Harbor, Wisconsin, consisting of the channel in the  
19 south part of the outer harbor, deauthorized by section  
20 101 of the River and Harbor Act of 1962 (76  
21 Stat. 1176).

22 **SEC. 3096. PROJECT DEAUTHORIZATIONS.**

23 (a) IN GENERAL.—The following projects are not au-  
24 thorized after the date of enactment of this Act:



1           (1) BRIDGEPORT HARBOR, CONNECTICUT.—The  
2       portion of the project for navigation, Bridgeport  
3       Harbor, Connecticut, authorized by the River and  
4       Harbor Act of July 3, 1930 (46 Stat. 919), con-  
5       sisting of an 18-foot channel in Yellow Mill River  
6       and described as follows: Beginning at a point along  
7       the eastern limit of the existing project,  
8       N123,649.75, E481,920.54, thence running north-  
9       westerly about 52.64 feet to a point N123,683.03,  
10      E481,879.75, thence running northeasterly about  
11      1,442.21 feet to a point N125,030.08, E482,394.96,  
12      thence running northeasterly about 139.52 feet to a  
13      point along the east limit of the existing channel,  
14      N125,133.87, E482,488.19, thence running south-  
15      westerly about 1,588.98 feet to the point of origin.

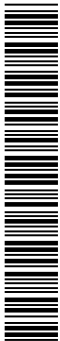
16           (2) NORWALK HARBOR, CONNECTICUT.—The  
17      following portions a 10-foot channel of the project  
18      for navigation, Norwalk Harbor, Connecticut, au-  
19      thorized by the first section of the Rivers and Har-  
20      bors Appropriations Act of March 2, 1919 (40 Stat.  
21      1276):

22           (A) An approximate rectangular shaped  
23      section along the northwesterly terminus of the  
24      channel. The section is 35-feet wide and about  
25      460-feet long and is further described as fol-



1            lows: Commencing at a point N104,165.85,  
2            E417,662.71, thence running south 24 degrees  
3            06 minutes 55 seconds east 395.00 feet to a  
4            point N103,805.32, E417,824.10, thence run-  
5            ning south 00 degrees 38 minutes 06 seconds  
6            east 87.84 feet to a point N103,717.49,  
7            E417,825.07, thence running north 24 degrees  
8            06 minutes 55 seconds west 480.00 feet, to a  
9            point N104,155.59, E417.628.96, thence run-  
10          ning north 73 degrees 05 minutes 25 seconds  
11          east 35.28 feet to the point of origin.

12            (B) An area having the approximate shape  
13            of a parallelogram along the northeasterly por-  
14            tion of the channel, southeast of the area de-  
15            scribed in subparagraph (A). This area is 20-  
16            feet wide and about 260-feet long and is further  
17            described as follows: Commencing at a point  
18            N103,855.48, E417,849.99, thence running  
19            south 33 degrees 07 minutes 30 seconds east  
20            133.40 feet to a point N103,743.76,  
21            E417,922.89, thence running south 24 degrees  
22            07 minutes 04 seconds east 127.75 feet to a  
23            point N103,627.16, E417,975.09, thence run-  
24            ning north 33 degrees 07 minutes 30 seconds  
25            west 190.00 feet to a point N103,786.28,



1 E417,871.26, thence running north 17 degrees  
2 05 minutes 15 seconds west 72.39 feet to the  
3 point of origin.

4 (3) CHICAGO RIVER AND HARBOR, CHICAGO, IL-  
5 LINOIS.—Those portions of the projects for naviga-  
6 tion, Chicago River and Chicago Harbor, Chicago,  
7 Illinois, authorized by the River and Harbor Act of  
8 March 3, 1899 (30 Stat. 1129), extending 50 feet  
9 riverward of the existing dock wall on the south side  
10 of the channel from Lake Street to Franklin Street  
11 and 25 feet riverward of the existing dock wall on  
12 the south side of the channel from Franklin Street  
13 to Wabash Avenue, and those areas within 20 feet  
14 of the bridge abutments on the south side of the  
15 channel for the length of the protection bridge piers  
16 from the Franklin Street Bridge to the Michigan  
17 Avenue Bridge.

18 (4) ISLAND END RIVER, MASSACHUSETTS.—The  
19 portion of the project for navigation, Island End  
20 River, Massachusetts, carried out under section 107  
21 of the River and Harbor Act of 1960 (33 U.S.C.  
22 577), described as follows: Beginning at a point  
23 along the eastern limit of the existing project,  
24 N507,348.98, E721,180.01, thence running north-  
25 east about 35 feet to a point N507,384.17,



1 E721,183.36, thence running northeast about 324  
2 feet to a point N507,590.51, E721,433.17, thence  
3 running northeast about 345 feet to a point along  
4 the northern limit of the existing project,  
5 N507,927.29, E721,510.29, thence running south-  
6 east about 25 feet to a point N507,921.71,  
7 E721,534.66, thence running southwest about 354  
8 feet to a point N507,576.65, E721,455.64, thence  
9 running southwest about 357 feet to the point of ori-  
10 gin.

11 (5) CITY WATERWAY, TACOMA, WASHINGTON.—  
12 The portion of the project for navigation, City Wa-  
13 terway, Tacoma, Washington, authorized by the first  
14 section of the River and Harbor Appropriations Act  
15 of June 13, 1902 (32 Stat. 347), consisting of the  
16 last 1,000 linear feet of the inner portion of the wa-  
17 terway beginning at Station 70+00 and ending at  
18 Station 80+00.

19 (b) ANCHORAGE AREA, NEW LONDON HARBOR,  
20 CONNECTICUT.—The portion of the project for navigation,  
21 New London Harbor, Connecticut, authorized by the River  
22 and Harbor Appropriations Act of June 13, 1902 (32  
23 Stat. 333), that consists of a 23-foot waterfront channel  
24 and that is further described as beginning at a point along  
25 the western limit of the existing project, N188, 802.75,

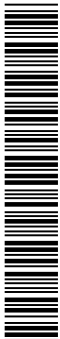




1 E779, 462.81, thence running northeasterly about  
2 1,373.88 feet to a point N189, 554.87, E780, 612.53,  
3 thence running southeasterly about 439.54 feet to a point  
4 N189, 319.88, E780, 983.98, thence running southwest-  
5 erly about 831.58 feet to a point N188, 864.63, E780,  
6 288.08, thence running southeasterly about 567.39 feet  
7 to a point N188, 301.88, E780, 360.49, thence running  
8 northwesterly about 1,027.96 feet to the point of origin,  
9 shall be redesignated as an anchorage area.

10 (c) NORWALK HARBOR, CONNECTICUT.—The 10-foot  
11 channel portion of the Norwalk Harbor, Connecticut, navi-  
12 gation project described in subsection (a)(2) is modified  
13 to authorize the Secretary to realign the channel to include  
14 a new section immediately north of the area described in  
15 subsection (a)(2)(B). The new triangular shaped section  
16 is described as follows: Commencing at a point  
17 N103,968.35, E417,815.29, thence running south 17 de-  
18 grees 05 minutes 15 seconds east 118.09 feet to a point  
19 N103,855.48, E417,849.99, thence running north 33 de-  
20 grees 07 minutes 30 seconds west 36.76 feet to a point  
21 N103,886.27, E417.829.90, thence running north 10 de-  
22 grees 05 minutes 26 seconds west 83.37 feet to the point  
23 of origin.

24 (d) CHICAGO RIVER AND HARBOR, CHICAGO, ILLI-  
25 NOIS.—The projects for navigation, Chicago River and



1 Chicago Harbor referred to in subsection (a)(3) are modi-  
2 fied to direct the Secretary to redefine the Federal naviga-  
3 tion channel for the North Branch Canal portion extend-  
4 ing from 100 feet downstream of the Halsted Street  
5 Bridge to 100 feet upstream of the Division Street Bridge  
6 to be no wider than 66 feet.

7 (e) ADDITIONAL DEAUTHORIZATIONS.—The fol-  
8 lowing projects are not authorized after the date of enact-  
9 ment of this Act, except with respect to any portion of  
10 such a project which portion has been completed before  
11 such date or is under construction on such date:

12 (1) The project for flood damage reduction,  
13 Cache Creek Basin, Clear Lake Outlet Channel,  
14 California, authorized by the Water Resources De-  
15 velopment Act of 1986 (Public Law 99–662).

16 (2) The project for flood control, Goleta and Vi-  
17 cinity, California, authorized by the Flood Control  
18 Act of 1970.

19 (3) The project to modify the Central and  
20 Southern Florida project to improve water supply to  
21 the Everglades National Park, Florida, authorized  
22 by the Flood Control Act of 1954 (Public Law 83–  
23 780) and the Flood Control Act of 1968 (Public  
24 Law 90–483).



1 (4) The project for flood control, Central and  
2 Southern Florida Project, Shingle Creek Basin,  
3 Florida, authorized by the Flood Control Act of  
4 1962.

5 (5) The project for flood control, Middle Wa-  
6 bash, Greenfield Bayou, Indiana, authorized by sec-  
7 tion 10 of the Flood Control Act of 1946.

8 (6) The project for flood damage reduction,  
9 Lake George, Hobart, Indiana, authorized by section  
10 602 of the Water Resources Development Act of  
11 1986 (Public Law 99-662).

12 (7) The project for flood damage reduction,  
13 Green Bay Levee and Drainage District No. 2,  
14 Iowa, authorized by the Water Resources Develop-  
15 ment Act of 1986, deauthorized in fiscal year 1991,  
16 and reauthorized by the Water Resources Develop-  
17 ment Act of 1992 (Public Law 102-580).

18 (8) The project for flood damage reduction,  
19 Hazard, Kentucky, authorized by section 3 of the  
20 Water Resources Development Act of 1988 (Public  
21 Law 100-676) and section 108 of the Water Re-  
22 sources Development Act of 1990 (Public Law 101-  
23 640).

24 (9) The recreation portion of the project for  
25 flood control, Taylorsville Lake, Kentucky, author-



1        ized by section 203 of the Flood Control Act of  
2        1966.

3            (10) The project for flood control, West Ken-  
4        tucky Tributaries, Kentucky, authorized by the  
5        Flood Control Acts of 1965 and 1970 and the Water  
6        Resources Development Act of 1986.

7            (11) The project for flood damage reduction,  
8        Bayou Cocodrie and Tributaries, Louisiana, author-  
9        ized by the Flood Control Act of 1941 and the  
10       Water Resources Development Act of 1974.

11           (12) The project for flood control, Eastern  
12        Rapides and South-Central Avoyelles Parishes, Lou-  
13        isiana, authorized by the Flood Control Act of 1970  
14        (Public Law-611).

15           (13) The project for Red River Waterway,  
16        Shreveport, Louisiana to Daingerfield, Texas, au-  
17        thorized by the River and Harbor Act of 1968 (Pub-  
18        lic Law 90-483).

19           (14) The project for flood damage reduction  
20        Brockton, Massachusetts, authorized by section  
21        401(c) of the Water Resources Development Act of  
22        1986 (Public Law 99-662).

23           (15) The project for navigation, Grand Haven  
24        Harbor, Michigan, authorized by section 202 of the



1 Water Resources Development Act of 1986 (Public  
2 Law 99-662).

3 (16) The project for navigation, Greenville Har-  
4 bor, Mississippi, authorized by section 601 of the  
5 Water Resources Development Act of 1986 (Public  
6 Law 99-662).

7 (17) The project for hydropower, Libby Dam,  
8 Montana, (Units 6-8), authorized by section 549 of  
9 the Water Resources Development Act of 1996  
10 (Public Law 104-303).

11 (18) The project for flood damage reduction,  
12 Platte River Flood and Related Streambank Erosion  
13 Control, Nebraska, authorized by section 603 of the  
14 Water Resources Development Act of 1986 (Public  
15 Law 99-662).

16 (19) The project for navigation, Outer Habor,  
17 Buffalo, New York, authorized by section 110 of the  
18 Water Resources Development Act of 1992.

19 (20) The project for flood damage reduction,  
20 Sugar Creek Basin, North Carolina and South Caro-  
21 lina, authorized by section 401 of the Water Re-  
22 sources Development Act of 1986 (Public Law 99-  
23 662).

24 (21) The project for flood control and recre-  
25 ation, Fairfield, Ohio, authorized by section 401(a)



1 of the Water Resources Development Act of 1986  
2 (Public Law 99-662).

3 (22) The project for shoreline protection,  
4 Maumee Bay, Lake Erie, Ohio, authorized by sec-  
5 tion 501(a) of the Water Resources Development  
6 Act of 1986.

7 (23) The project for flood control and water  
8 supply, Parker Lake, Muddy Boggy Creek, Okla-  
9 homa, authorized by the Water Resources Develop-  
10 ment Act of 1986 (Public Law 99-662).

11 (24) The project for the Columbia River, Sea-  
12 farers Memorial, Hammond, Oregon, authorized by  
13 the Energy and Water Development Appropriations  
14 Act of 1991.

15 (25) The project for bulkhead repairs, Quonset  
16 Point-Davisville, Rhode Island, authorized by section  
17 571 of the Water Resources Development Act of  
18 1996.

19 (26) The project for flood damage reduction,  
20 Harris Fork Creek, Tennessee and Kentucky, au-  
21 thorized by section 102 of the Water Resources De-  
22 velopment Acts of 1976 and 1986.

23 (27) The project for flood damage reduction,  
24 Arroyo Colorado, Texas, authorized by the Water



1 Resources Development Act of 1986 (Public Law  
2 99–662).

3 (28) The project for flood damage reduction,  
4 Cypress Creek-Structural, Texas, authorized by the  
5 Water Resources Development Act of 1988.

6 (29) The project for flood damage reduction,  
7 East Fork channel Improvement, Increment 2, East  
8 Fork of the Trinity River, Texas, authorized by the  
9 Flood Control Act of 1962.

10 (30) The project for flood damage reduction,  
11 Falfurrias, Texas, authorized by the Water Re-  
12 sources Development Act of 1988.

13 (31) The project for bank erosion, Kanawha  
14 River, Charleston, West Virginia, authorized by sec-  
15 tion 603(f)(13) of the Water Resources Development  
16 Act of 1986 (Public Law 99–662).

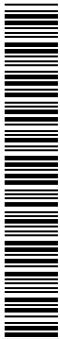
17 (f) CONDITIONS.—The first sentence of section  
18 1001(b)(2) of the Water Resources Development Act of  
19 1986 (33 U.S.C. 579a(b)(2) is amended at follows:

20 (1) by striking “two years” and inserting  
21 “year”; and

22 (2) by striking “7” and inserting “5”.

23 **SEC. 3097. LAND CONVEYANCES.**

24 (a) MILFORD, KANSAS.—



1           (1) IN GENERAL.—Subject to the provisions of  
2       this section, the Secretary shall convey by quitclaim  
3       deed without consideration to the Geary County Fire  
4       Department, Milford, Kansas, all right, title, and in-  
5       terest of the United States in and to a parcel of land  
6       consisting of approximately 7.4 acres located in  
7       Geary County, Kansas, for construction, operation,  
8       and maintenance of a fire station.

9           (2) SURVEY TO OBTAIN LEGAL DESCRIPTION.—  
10      The exact acreage and the description of the real  
11      property referred to in paragraph (1) shall be deter-  
12      mined by a survey that is satisfactory to the Sec-  
13      retary.

14          (3) REVERSION.—If the Secretary determines  
15      that the property conveyed under paragraph (1)  
16      ceases to be held in public ownership or to be used  
17      for any purpose other than a fire station, all right,  
18      title, and interest in and to the property shall revert  
19      to the United States, at the option of the United  
20      States.

21          (b) BOARDMAN, OREGON.—Section 501(g)(1) of the  
22      Water Resources Development Act of 1996 (110 Stat.  
23      3751) is amended—





1 (1) by striking “city of Boardman,” and insert-  
2 ing “the Boardman Park and Recreation District,  
3 Boardman,”; and

4 (2) by striking “such city” and inserting “the  
5 city of Boardman”.

6 (c) GENERALLY APPLICABLE PROVISIONS.—

7 (1) APPLICABILITY OF PROPERTY SCREENING  
8 PROVISIONS.—Section 2696 of title 10, United  
9 States Code, shall not apply to any conveyance  
10 under this section.

11 (2) ADDITIONAL TERMS AND CONDITIONS.—  
12 The Secretary may require that any conveyance  
13 under this section be subject to such additional  
14 terms and conditions as the Secretary considers ap-  
15 propriate and necessary to protect the interests of  
16 the United States.

17 (3) COSTS OF CONVEYANCE.—An entity to  
18 which a conveyance is made under this section shall  
19 be responsible for all reasonable and necessary costs,  
20 including real estate transaction and environmental  
21 compliance costs, associated with the conveyance.

22 (4) LIABILITY.—An entity to which a convey-  
23 ance is made under this section shall hold the  
24 United States harmless from any liability with re-  
25 spect to activities carried out, on or after the date



1 of the conveyance, on the real property conveyed.  
2 The United States shall remain responsible for any  
3 liability with respect to activities carried out, before  
4 such date, on the real property conveyed.

5 **SEC. 3098. EXTINGUISHMENT OF REVERSIONARY INTER-**  
6 **ESTS AND USE RESTRICTIONS.**

7 (a) IDAHO.—

8 (1) IN GENERAL.—With respect to each deed  
9 listed in paragraph (2), the reversionary interests  
10 and use restrictions relating to industrial use pur-  
11 poses are extinguished.

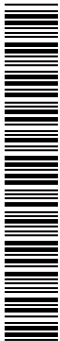
12 (2) AFFECTED DEEDS.—The deeds with the fol-  
13 lowing county auditor's file numbers are referred to  
14 in paragraph (1):

15 (A) Auditor's Instrument No. 399218 of  
16 Nez Perce County, Idaho—2.07 acres.

17 (B) Auditor's Instrument No. 487437 of  
18 Nez Perce County, Idaho—7.32 acres.

19 (b) OLD HICKORY LOCK AND DAM, CUMBERLAND  
20 RIVER, TENNESSEE.—

21 (1) RELEASE OF RETAINED RIGHTS, INTER-  
22 ESTS, RESERVATIONS.—With respect to land con-  
23 veyed by the Secretary to the Tennessee Society of  
24 Crippled Children and Adults, Incorporated (now  
25 known as "Easter Seals Tennessee"), at Old Hick-



1       ory Lock and Dam, Cumberland River, Tennessee,  
2       under section 211 of the Flood Control Act of 1965  
3       (79 Stat. 1087), the reversionary interests and the  
4       use restrictions relating to recreation and camping  
5       purposes are extinguished.

6           (2) INSTRUMENT OF RELEASE.—As soon as  
7       possible after the date of enactment of this Act, the  
8       Secretary shall execute and file in the appropriate  
9       office a deed of release, amended deed, or other ap-  
10      propriate instrument effectuating the release of in-  
11      terests required by paragraph (1).

12      (c) NO EFFECT OF OTHER RIGHTS.—Nothing in this  
13      section affects the remaining rights and interests of the  
14      Corps of Engineers for authorized project purposes.

15   **SEC. 3099. LAND EXCHANGE, DISPOSAL AND ACQUISITION**  
16                   **OF LANDS, ALLATOONA LAKE, GEORGIA.**

17      (a) LAND EXCHANGE.—

18           (1) IN GENERAL.—The Secretary may exchange  
19      lands above 863 feet in elevation at Allatoona Lake,  
20      Georgia, identified in the Real Estate Design Memo-  
21      randum prepared by the Mobile district engineer,  
22      April 5, 1996, and approved October 8, 1996, for  
23      lands on the north side of Allatoona Lake that are  
24      needed for wildlife management and for protection



1 of the water quality and overall environment of  
2 Allatoona Lake.

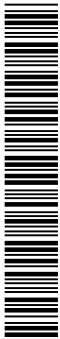
3 (2) TERMS AND CONDITIONS.—The basis for all  
4 land exchanges under this subsection shall be a fair  
5 market appraisal so that lands exchanged are of  
6 equal value.

7 (b) DISPOSAL AND ACQUISITION OF LANDS,  
8 ALLATOONA LAKE, GEORGIA.—

9 (1) IN GENERAL.—The Secretary may also sell  
10 lands above 863 feet in elevation at Allatoona Lake,  
11 Georgia, identified in the memorandum referred to  
12 in subsection (a)(1) and may use the proceeds to  
13 pay costs associated with the purchase of lands  
14 needed for wildlife management and for protection  
15 of the water quality and overall environment of  
16 Allatoona Lake.

17 (2) TERMS AND CONDITIONS.—Land sales and  
18 purchases to be conducted under this subsection  
19 shall be subject to the following terms and condi-  
20 tions:

21 (A) Lands acquired under this subsection  
22 shall be by negotiated purchase from willing  
23 sellers only.



1 (B) The basis for all transactions under  
2 the program shall be a fair market appraisal  
3 acceptable to the Secretary.

4 (C) The purchasers shall share in the asso-  
5 ciated environmental and real estate costs, to  
6 include surveys and associated fees in accord-  
7 ance with the memorandum referred to in sub-  
8 section (a)(1).

9 (D) Any other conditions that the Sec-  
10 retary may impose.

11 (c) REPEAL.—Section 325 of the Water Resources  
12 Development Act of 1992 (106 Stat. 4849) is repealed.

13 **TITLE IV—STUDIES**

14 **SEC. 4001. JOHN GLENN GREAT LAKES BASIN PROGRAM.**

15 Section 455 of the Water Resources Development Act  
16 of 1999 (113 Stat. 330–332) is amended by adding at  
17 the end the following:

18 “(g) IN-KIND CONTRIBUTIONS FOR STUDY.—The  
19 non-Federal interest may provide up to 100 percent of the  
20 non-Federal share required under subsection (f) in the  
21 form of services, materials, supplies, or other in-kind con-  
22 tributions.”.



1 **SEC. 4002. ST. GEORGE HARBOR, ALASKA.**

2 The Secretary shall conduct, at Federal expense, a  
3 study to determine the feasibility of providing navigation  
4 improvements at St. George, Alaska.

5 **SEC. 4003. SEARCY COUNTY, ARKANSAS.**

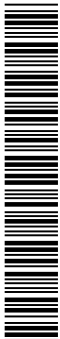
6 The Secretary shall conduct a study to determine the  
7 feasibility of using Greers Ferry Lake as a water supply  
8 source for Searcy County, Arkansas.

9 **SEC. 4004. UPPER MISSISSIPPI RIVER AND ILLINOIS WA-**  
10 **TERWAY, ILLINOIS, IOWA, MINNESOTA, MIS-**  
11 **SOURI, AND WISCONSIN.**

12 The Secretary shall transmit to Congress a report on  
13 the results of the Upper Mississippi River and Illinois Wa-  
14 terway Restructured System Navigation Feasibility Study,  
15 Illinois, Iowa, Minnesota, Missouri, and Wisconsin, no  
16 later than July 1, 2004.

17 **SEC. 4005. HAMILTON, CALIFORNIA.**

18 The Secretary is directed to continue planning,  
19 preconstruction, engineering, and design efforts on the  
20 Sacramento-San Joaquin River Basins Comprehensive  
21 Study-Hamilton City Flood Damage Reduction and Eco-  
22 system Restoration Initial Project and shall include in the  
23 study an area 2 miles north and 4 miles south of State  
24 Highway 32.



1 **SEC. 4006. OCEANSIDE, CALIFORNIA.**

2 Section 414 of the Water Resources Development Act  
3 of 2000 (114 Stat. 2636) is amended by striking “32  
4 months” and inserting “44 months”.

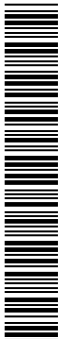
5 **SEC. 4007. SACRAMENTO RIVER, CALIFORNIA.**

6 The Secretary shall conduct a comprehensive study  
7 to determine the feasibility of, and alternatives for, meas-  
8 ures to protect water diversion facilities and fish protective  
9 screen facilities in the vicinity of river mile 178 on the  
10 Sacramento River, California.

11 **SEC. 4008. SAN FRANCISCO BAY, SACRAMENTO-SAN JOA-**  
12 **QUIN DELTA, CALIFORNIA.**

13 (a) IN GENERAL.—The Secretary shall conduct a  
14 study to determine the feasibility of the beneficial use of  
15 dredged material from the San Francisco Bay in the Sac-  
16 ramento-San Joaquin Delta, California, including the ben-  
17 efits and impacts of salinity in the Delta and the benefits  
18 to navigation, flood damage reduction, ecosystem restora-  
19 tion, water quality, salinity control, water supply reli-  
20 ability, and recreation.

21 (b) COOPERATION.—In conducting the study, the  
22 Secretary shall cooperate with the California Department  
23 of Water Resources and appropriate Federal and State en-  
24 tities in developing options for the beneficial use of  
25 dredged material from San Francisco Bay for the Sac-  
26 ramento-San Joaquin Delta area.



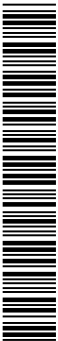
1 (c) REVIEW.—The study shall include a review of the  
2 feasibility of using Sherman Island as a rehandling site  
3 for levee maintenance material, as well as for ecosystem  
4 restoration. The review may include monitoring a pilot  
5 project using up to 150,000 cubic yards of dredged mate-  
6 rial and being carried out at the Sherman Island site, ex-  
7 amining larger-scale use of dredged materials from the  
8 San Francisco Bay and Suisun Bay Channel, and ana-  
9 lyzing the feasibility of the potential use of saline mate-  
10 rials from the San Francisco Bay for both rehandling and  
11 ecosystem restoration purposes.

12 **SEC. 4009. TYBEE ISLAND, GEORGIA.**

13 The Secretary shall conduct a study to determine the  
14 feasibility of including the northern end of Tybee Island  
15 extending from the north terminal groin to the mouth of  
16 Lazaretto Creek as a part of the project for beach erosion  
17 control, Tybee Island, Georgia, carried out under section  
18 201 of the Flood Control Act of 1965 (42 U.S.C. 1962d–  
19 5).

20 **SEC. 4010. CALUMET HARBOR, ILLINOIS.**

21 The Secretary shall conduct a study to determine the  
22 feasibility of carrying out a project for navigation at Cal-  
23 umet Harbor, Illinois.





1   **SEC. 4011. PADUCAH, KENTUCKY.**

2           The Secretary is authorized to complete a rehabilita-  
3   tion evaluation report for the project for flood damage re-  
4   duction, Paducah, Kentucky, and, if the Secretary deter-  
5   mines that the project is feasible, proceed to  
6   preconstruction engineering and design for rehabilitation  
7   of the project.

8   **SEC. 4012. BASTROP-MOREHOUSE PARISH, LOUISIANA.**

9           The Secretary shall conduct a study to determine the  
10   feasibility of carrying out a project for water supply,  
11   Bastrop-Morehouse Parish, Louisiana.

12   **SEC. 4013. WEST FELICIANA PARISH, LOUISIANA.**

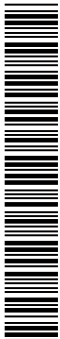
13           The Secretary shall conduct a study to determine the  
14   feasibility of carrying out a project for riverfront develop-  
15   ment, including enhanced public access, recreation, and  
16   environmental restoration, on the Mississippi River in  
17   West Feliciana Parish, Louisiana.

18   **SEC. 4014. CITY OF MACKINAC ISLAND, MICHIGAN.**

19           The Secretary shall conduct a study to determine the  
20   feasibility of carrying out a project for navigation at the  
21   city of Mackinac Island, Michigan.

22   **SEC. 4015. CHICAGO, ILLINOIS.**

23           Section 425(a) of the Water Resources Development  
24   Act of 2000 (114 Stat. 2638) is amended by inserting  
25   “Lake Michigan and” before “the Chicago River”.



1   **SEC. 4016. SOUTH BRANCH, CHICAGO RIVER, CHICAGO, IL-**  
2                   **LINOIS.**

3           The Secretary shall conduct a study to determine the  
4   feasibility of carrying out a project for ecosystem restora-  
5   tion at the South Fork of the South Branch of the Chicago  
6   River, Chicago, Illinois.

7   **SEC. 4017. NORTHEAST MISSISSIPPI.**

8           The Secretary shall conduct a study to determine the  
9   feasibility of modifying the project for navigation, Ten-  
10   nessee-Tombigbee Waterway, Alabama and Mississippi, to  
11   provide water supply for northeast Mississippi.

12   **SEC. 4018. ARTHUR KILL CHANNEL AND MORSES CREEK TO**  
13                   **PERTH AMBOY, NEW JERSEY.**

14          The Secretary shall reevaluate the results of the  
15   study for the project for navigation, Arthur Kill Channel  
16   and Morses Creek to Perth Amboy, New Jersey, to deter-  
17   mine whether the benefits of the project have increased  
18   as a result of a change in circumstances. In conducting  
19   the reevaluation, the Secretary shall review the locally pre-  
20   pared study entitled "Pre-Feasibility Study for Channel  
21   Improvements—Arthur Kill from Morses Creek to Perth  
22   Amboy and Raritan Bay Approaches".

23   **SEC. 4019. PUEBLO OF ZUNI, NEW MEXICO.**

24          The Secretary shall conduct a study to determine the  
25   feasibility of carrying out projects for water resources de-  
26   velopment, environmental restoration, and natural re-



1 sources protection for the Pueblo of Zuni, New Mexico,  
2 under section 203 of the Water Resources Development  
3 Act of 2000 (33 U.S.C. 2269).

4 **SEC. 4020. HUDSON-RARITAN ESTUARY, NEW YORK AND**  
5 **NEW JERSEY.**

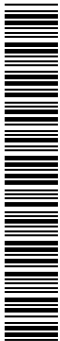
6 In carrying out the study for environmental restora-  
7 tion, Hudson-Raritan Estuary, New York and New Jer-  
8 sey, the Secretary shall establish and utilize watershed res-  
9 toration teams composed of estuary restoration experts  
10 from the Corps of Engineers, the New Jersey Department  
11 of Environmental Protection, and the Port Authority of  
12 New York and New Jersey and other experts designated  
13 by the Secretary for the purpose of developing habitat res-  
14 toration and water quality enhancement.

15 **SEC. 4021. SAC AND FOX NATION, OKLAHOMA.**

16 The Secretary shall complete a water and related  
17 land resource conservation and management plan for the  
18 Sac and Fox Nation, Oklahoma, under section 203 of the  
19 Water Resources Development Act of 2000 (33 U.S.C.  
20 2269).

21 **SEC. 4022. SUTHERLIN, OREGON.**

22 (a) STUDY.—The Secretary shall conduct a study of  
23 water resources along Sutherlin Creek in the vicinity of  
24 Sutherlin, Oregon, to determine the feasibility of carrying  
25 out a project to restore and enhance aquatic resources



1 using a combination of structural and bioengineering tech-  
2 niques and, if the Secretary determines that the project  
3 is feasible, may carry out the project.

4 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
5 authorized to be appropriated to carry out this section  
6 \$2,500,000.

7 **SEC. 4023. TILLAMOOK BAY AND BAR, OREGON.**

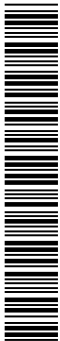
8 The Secretary shall conduct under section 216 of the  
9 Flood Control Act of 1970 (84 Stat. 1830) a study of the  
10 project for navigation, Tillamook Bay and Bar, Oregon,  
11 authorized by the first section of the River and Harbor  
12 Appropriations Act of July 25, 1912 (37 Stat. 220), to  
13 investigate measures to address dangerous and hazardous  
14 wave and ocean conditions.

15 **SEC. 4024. ECOSYSTEM RESTORATION AND FISH PASSAGE**  
16 **IMPROVEMENTS, OREGON.**

17 (a) STUDY.—The Secretary shall conduct a study to  
18 determine the feasibility of undertaking ecosystem restora-  
19 tion and fish passage improvements on rivers throughout  
20 the State of Oregon.

21 (b) REQUIREMENTS.—In carrying out the study, the  
22 Secretary shall—

23 (1) work in coordination with the State of Or-  
24 egon, local governments, and other Federal agencies;  
25 and



1 (2) place emphasis on—

2 (A) fish passage and conservation and res-  
3 toration strategies to benefit species that are  
4 listed or proposed for listing as threatened or  
5 endangered species under the Endangered Spe-  
6 cies Act of 1973 (16 U.S.C. 1531 et seq.); and

7 (B) other watershed restoration objectives.

8 (c) PILOT PROGRAM.—

9 (1) IN GENERAL.—In conjunction with con-  
10 ducting the study under subsection (a), the Sec-  
11 retary may carry out pilot projects to demonstrate  
12 the effectiveness of ecosystem restoration and fish  
13 passages.

14 (2) AUTHORIZATION OF APPROPRIATIONS.—

15 There is authorized to be appropriated \$5,000,000  
16 to carry out this subsection.

17 **SEC. 4025. NORTHEASTERN PENNSYLVANIA AQUATIC ECO-**  
18 **SYSTEM RESTORATION AND PROTECTION.**

19 The Secretary shall conduct a study to determine the  
20 feasibility of carrying out aquatic ecosystem restoration  
21 and protection projects in the counties of Lackawanna,  
22 Lycoming, Susquehanna, Wyoming, Pike, Wayne, Sul-  
23 livan, Bradford, Northumberland, Union, Snyder, and  
24 Montour, Pennsylvania, particularly as related to aban-



1 doned mine drainage abatement and reestablishment of  
2 stream and river channels.

3 **SEC. 4026. GEORGETOWN AND WILLIAMSBURG COUNTIES,**  
4 **SOUTH CAROLINA.**

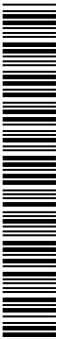
5 The Secretary shall conduct a study to determine the  
6 feasibility of carrying out a project for water supply for  
7 Georgetown and Williamsburg Counties, South Carolina,  
8 including the viability and practicality of constructing a  
9 desalinization water treatment facility to meet such water  
10 supply needs.

11 **SEC. 4027. SABINE PASS TO GALVESTON BAY, TEXAS.**

12 In conducting a feasibility study for shore protection  
13 and related improvements between Sabine Pass and the  
14 entrance to Galveston Bay, Texas, the Secretary may in-  
15 clude any benefits related to the use of State Highway  
16 87 as an emergency evacuation route in the determination  
17 of national economic development benefits of the project.

18 **SEC. 4028. GRAND COUNTY AND MOAB, UTAH.**

19 The Secretary shall conduct a study to determine the  
20 feasibility of carrying out a project for water supply for  
21 Grand County and the city of Moab, Utah, including a  
22 review of the impact of current and future demands on  
23 the Spanish Valley Aquifer.



1 **SEC. 4029. CHEHALIS RIVER BASIN, WASHINGTON.**

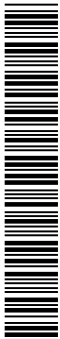
2 The Secretary shall conduct a river basin study for  
3 the Chehalis River basin, Washington, including a study  
4 of the uses of the basin's water resources to assist users  
5 in developing a fair and equitable distribution of such re-  
6 sources.

7 **SEC. 4030. SPRAGUE, LINCOLN COUNTY, WASHINGTON.**

8 The Secretary may accept from the non-Federal in-  
9 terest to pay all or a part of the non-Federal share of  
10 the cost of feasibility study for the project for flood control  
11 in the vicinity of Sprague, Lincoln County, Washington,  
12 funds made available under any other Federal program  
13 if such use of the funds is permitted under the Federal  
14 program.

15 **SEC. 4031. MONONGAHELA RIVER BASIN, NORTHERN WEST**  
16 **VIRGINIA.**

17 The Secretary shall conduct a study to determine the  
18 feasibility of carrying out aquatic ecosystem restoration  
19 and protection projects in the watersheds of the  
20 Monongahela River basin lying within the counties of  
21 Hancock, Ohio, Marshall, Wetzel, Tyler, Pleasants, Wood,  
22 Doddridge, Monongalia, Marion, Harrison, Taylor,  
23 Barbour, Preston, Tucker, Mineral, Grant, Gilmer,  
24 Brooke, and Ritchie, West Virginia, particularly as re-  
25 lated to abandoned mine drainage abatement.



1 **SEC. 4032. WAUWATOSA, WISCONSIN.**

2 The Secretary shall conduct a study to determine the  
3 feasibility of carrying out a project for flood damage re-  
4 duction and environmental restoration, Menomonee River  
5 and Underwood Creek, Wauwatosa, Wisconsin.

6 **TITLE V—MISCELLANEOUS**  
7 **PROVISIONS**

8 **SEC. 5001. MAINTENANCE OF NAVIGATION CHANNELS.**

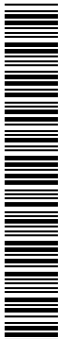
9 (a) IN GENERAL.—Upon request of a non-Federal in-  
10 terest, the Secretary shall be responsible for maintenance  
11 of the following navigation channels and breakwaters con-  
12 structed or improved by the non-Federal interest if the  
13 Secretary determines that such maintenance is economi-  
14 cally justified and environmentally acceptable and that the  
15 channel or breakwater was constructed in accordance with  
16 applicable permits and appropriate engineering and design  
17 standards:

18 (1) Pix Bayou navigation channel, Chambers  
19 County, Texas.

20 (2) Pidgeon Industrial Harbor, Pidgeon Indus-  
21 trial Park, Memphis Harbor, Tennessee.

22 (3) Racine Harbor, Wisconsin.

23 (b) COMPLETION OF ASSESSMENT.—Not later than  
24 6 months after the date of receipt of a request from a  
25 non-Federal interest for Federal assumption of mainte-  
26 nance of a channel listed in subsection (a), the Secretary





1 shall make a determination as provided in subsection (a)  
2 and advise the non-Federal interest of the Secretary's de-  
3 termination.

4 (c) SABINE-NECHES WATERWAY, TEXAS.—The Sec-  
5 retary shall remove sunken vessels and debris between  
6 miles 35 and 43 of the Channel to Orange, Sabine-Neches  
7 Waterway, Texas, for the purpose of improving navigation  
8 safety and reducing the risk to the public.

9 **SEC. 5002. WATERSHED MANAGEMENT.**

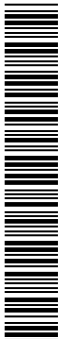
10 (a) IN GENERAL.—The Secretary may provide tech-  
11 nical, planning, and design assistance to non-Federal in-  
12 terests for carrying out watershed management, restora-  
13 tion, and development projects at the locations described  
14 in subsection (d).

15 (b) SPECIFIC MEASURES.—Assistance provided  
16 under subsection (a) may be in support of non-Federal  
17 projects for the following purposes:

18 (1) Management and restoration of water qual-  
19 ity.

20 (2) Control and remediation of toxic sediments.

21 (3) Restoration of degraded streams, rivers,  
22 wetlands, and other waterbodies to their natural  
23 condition as a means to control flooding, excessive  
24 erosion, and sedimentation.



1 (4) Protection and restoration of watersheds,  
2 including urban watersheds.

3 (5) Demonstration of technologies for non-  
4 structural measures to reduce destructive impacts of  
5 flooding.

6 (c) NON-FEDERAL SHARE.—The non-Federal share  
7 of the cost of assistance provided under subsection (a)  
8 shall be 50 percent.

9 (d) PROJECT LOCATIONS.—The locations referred to  
10 in subsection (a) are the following:

11 (1) Spring Branch watershed, Huntsville, Ala-  
12 bama.

13 (2) Tuolumne County, California.

14 (3) Cucamonga basin, Upland, California.

15 (4) Kinkaid Lake, Jackson County, Illinois.

16 (5) Those portions of the watersheds of the  
17 Concord, Charles, Blackstone, Neponset, Taunton,  
18 Nashua, Shawsheen, and Merrimack Rivers, Massa-  
19 chusetts, lying within the Interstate Route 495 cor-  
20 ridor.

21 (6) Jackson Brook watershed, New Jersey.

22 (7) Those portions of the watersheds of the  
23 Beaver, Upper Ohio, Connoquenessing, Lower Alle-  
24 gheny, Kiskiminetas, Lower Monongahela,  
25 Youghiogheny, Shenango, and Mahoning Rivers



1 lying within the counties of Beaver, Butler, Law-  
2 rence, and Mercer, Pennsylvania.

3 (8) Southampton Creek watershed, South-  
4 ampton, Pennsylvania.

5 (9) Unami Creek watershed, Milford Township,  
6 Pennsylvania.

7 (10) Amite River basin, Louisiana.

8 (11) Iberville Parish, East Atchafalaya River  
9 basin, Louisiana.

10 (12) Genesee River watershed, New York.

11 (13) Tonawanda Creek watershed, New York.

12 (14) Buffalo River watershed, New York.

13 (15) Eighteenmile Creek watershed, Niagara  
14 County, New York.

15 (16) Cattaragus Creek watershed, New York.

16 (17) Oswego River basin, New York.

17 (18) Red River watershed, Louisiana.

18 (19) Fountain Creek and tributaries, Colorado.

19 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
20 authorized to be appropriated to carry out this section  
21 \$15,000,000.

22 **SEC. 5003. DAM SAFETY.**

23 (a) ASSISTANCE.—The Secretary may provide assist-  
24 ance to enhance dam safety at the following locations:



1 (1) Mountain Park Dam, Mountain Park, Geor-  
2 gia.

3 (2) Barber Dam, Ada County, Idaho.

4 (3) Fish Creek Dam, Blaine County, Idaho.

5 (4) Lost Valley Dam, Adams County, Idaho.

6 (5) Salmon Falls Dam, Twin Falls County,  
7 Idaho.

8 (6) Whaley Lake Dam, Pawling, New York.

9 (7) Lake Carl Blackwell Dam, Stillwater, Okla-  
10 homa.

11 (8) Dams in Mountain Lakes Park, Princeton  
12 Township, New Jersey.

13 (9) State Dam, Auburn, New York.

14 (b) SPECIAL RULE.—The assistance provided under  
15 subsection (a) for State Dam, Auburn, New York, shall  
16 be for a project for rehabilitation in accordance with the  
17 report on State Dam Rehabilitation, Owasco Lake Outlet,  
18 New York, dated March 1999, if the Secretary determines  
19 that the project is feasible.

20 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
21 authorized to be appropriated to carry out this section  
22 \$6,000,000.

23 **SEC. 5004. STRUCTURAL INTEGRITY EVALUATIONS.**

24 (a) IN GENERAL.—Upon request of a non-Federal in-  
25 terest, the Secretary shall evaluate the structural integrity



1 and effectiveness of a project for flood damage reduction  
2 and, if the Secretary determines that the project does not  
3 meet such minimum standards as the Secretary may es-  
4 tablish and, absent action by the Secretary, the project  
5 will fail, the Secretary may take such action as may be  
6 necessary to restore the integrity and effectiveness of the  
7 project.

8 (b) PRIORITY.—The Secretary shall evaluate under  
9 subsection (a) the following projects:

10 (1) Project for flood damage reduction, Arkan-  
11 sas River Levees, river mile 205 to river mile 308.4,  
12 Arkansas.

13 (2) Project for flood damage reduction,  
14 Marianna Borough, Pennsylvania.

15 (3) Project for flood damage reduction,  
16 Nonconnah Creek, Tennessee.

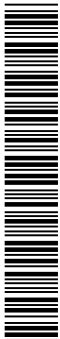
17 **SEC. 5005. FLOOD MITIGATION PRIORITY AREAS.**

18 Section 212(e) of the Water Resources Development  
19 Act of 1999 (33 U.S.C. 2332(e); 114 Stat. 2599) is  
20 amended—

21 (1) by striking “and” at the end of paragraph  
22 (27);

23 (2) by striking the period at the end of para-  
24 graph (28) and inserting a semicolon; and

25 (3) by adding at the end the following:



- 1 “(29) La Crosse County, Wisconsin;
- 2 “(30) Crawford County, Wisconsin;
- 3 “(31) Buffalo County, Wisconsin;
- 4 “(32) Calhoun County, Illinois;
- 5 “(33) Saint Charles County, Missouri;
- 6 “(34) Saint Louis County, Missouri;
- 7 “(35) Dubuque County, Iowa;
- 8 “(36) Scott County, Iowa;
- 9 “(37) Rock Island County, Illinois;
- 10 “(38) Ascension Parish, Louisiana;
- 11 “(39) East Baton Rouge Parish, Louisiana;
- 12 “(40) Iberville Parish, Louisiana; and
- 13 “(41) Livingston Parish, Louisiana.”.

14 **SEC. 5006. ADDITIONAL ASSISTANCE FOR AUTHORIZED**  
15 **PROJECTS.**

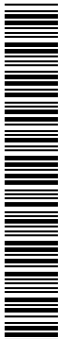
16 Section 219(e) of the Water Resources Development  
17 Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat.  
18 334) is amended—

19 (1) by striking “and” at the end of paragraph  
20 (7);

21 (2) by striking the period at the end of para-  
22 graph (8) and inserting a semicolon; and

23 (3) by adding at the end the following:

24 “(9) \$20,000,000 for the project described in  
25 subsection (c)(20);



1           “(10) \$20,000,000 for the project described in  
2       subsection (c)(25);

3           “(11) \$15,000,000 for the project described in  
4       subsection (c)(26);

5           “(12) \$7,800,000 for the project described in  
6       subsection (c)(27);

7           “(13) \$18,000,000 for the project described in  
8       subsection (c)(31); and

9           “(14) \$30,000,000 for the project described in  
10      subsection (c)(40).”.

11 **SEC. 5007. EXPEDITED COMPLETION OF REPORTS AND**  
12 **CONSTRUCTION FOR CERTAIN PROJECTS.**

13       The Secretary shall expedite completion of the re-  
14       ports and, if the Secretary determines the project is fea-  
15       sible, shall expedite completion of construction for the fol-  
16       lowing projects:

17           (1) Welch Point, Elk River, Cecil County,  
18       Maryland, and Chesapeake, Maryland, being carried  
19       out under section 535 of the Water Resources Devel-  
20       opment Act of 1999 (113 Stat. 348–349).

21           (2) West View Shores, Cecil County, Maryland,  
22       being carried out under section 521 of the Water  
23       Resources Development Act of 2000 (114. Stat.  
24       2655).



1           (3) Sylvan Beach Breakwater, Verona, Oneida  
2       County, New York, being carried out under section  
3       3 of the Act entitled “An Act authorizing Federal  
4       participation in the cost of protecting the shores of  
5       publicly owned property”, approved August 13, 1946  
6       (33 U.S.C. 426g).

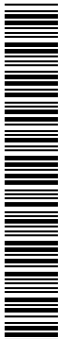
7           (4) Fulmer Creek, Village of Mohawk, New  
8       York, being carried out under section 205 of the  
9       Flood Control Act of 1948 (33 U.S.C. 701s).

10          (5) Moyer Creek, Village of Frankfort, New  
11       York, being carried out under section 205 of the  
12       Flood Control Act of 1948 (33 U.S.C. 701s).

13          (6) Steele Creek, Village of Ilion, New York,  
14       being carried out under section 205 of the Flood  
15       Control Act of 1948 (33 U.S.C. 701s).

16          (7) Oriskany Wildlife Management Area, Rome,  
17       New York, being carried out under section 206 of  
18       the Water Resources Development Act of 1996 (33  
19       U.S.C. 2330).

20          (8) Whitney Point Lake, Otselic River, Whitney  
21       Point, New York, being carried out under section  
22       1135 of the Water Resources Development Act of  
23       1986 (33 U.S.C. 2309a).





1 (9) Newton Creek, Bainbridge, New York,  
2 being carried out under section 14 of the Flood Con-  
3 trol Act of 1946 (33 U.S.C. 701r).

4 (10) Chenango Lake, Chenango County, New  
5 York, being carried out under section 206 of the  
6 Water Resources Development Act of 1996 (33  
7 U.S.C. 2330).

8 **SEC. 5008. EXPEDITED COMPLETION OF REPORTS FOR CER-**  
9 **TAIN PROJECTS.**

10 (a) IN GENERAL.—The Secretary shall expedite com-  
11 pletion of the reports for the following projects and, if the  
12 Secretary determines that a project is justified in the com-  
13 pleted report, proceed directly to project preconstruction,  
14 engineering, and design:

15 (1) Project for flood damage reduction and eco-  
16 system restoration, Sacramento and San Joaquin  
17 River basins, Hamilton, California.

18 (2) Project for ecosystem restoration, Univer-  
19 sity Lake, Baton Rouge, Louisiana.

20 (3) Project for shoreline protection, Detroit  
21 River Greenway Corridor, Detroit, Michigan.

22 (4) Project for shoreline stabilization at  
23 Egmont Key, Florida.

24 (b) SPECIAL RULE.—In carrying out the project for  
25 shoreline stabilization at Egmont Key, Florida, referred



1 to in subsection (a)(4), the Secretary shall waive any cost  
2 share to be provided by non-Federal interests for any por-  
3 tion of the project that benefits federally owned property.

4 **SEC. 5009. SOUTHEASTERN WATER RESOURCES ASSESS-**  
5 **MENT.**

6 The Secretary may provide assistance to a coordi-  
7 nated effort by Federal, State, and local agencies, non-  
8 Federal and nonprofit entities, regional researchers, and  
9 other interested parties to assess the water resources and  
10 water resources needs of river basins and watersheds of  
11 the southeastern United States.

12 **SEC. 5010. UPPER MISSISSIPPI RIVER ENVIRONMENTAL**  
13 **MANAGEMENT PROGRAM.**

14 Section 1103(e)(7)(A) of the Water Resources Devel-  
15 opment Act of 1986 (33 U.S.C. 652(e)(7)(A)) is amended  
16 by adding at the end the following: “The non-Federal in-  
17 terest may provide the non-Federal share of the cost of  
18 the project in the form of services, materials, supplies, or  
19 other in-kind contributions.”.

20 **SEC. 5011. MISSOURI AND MIDDLE MISSISSIPPI RIVERS EN-**  
21 **HANCEMENT PROJECT.**

22 Section 514(g) of the Water Resources Development  
23 Act of 1999 (113 Stat. 343; 117 Stat. 142) is amended  
24 by striking “and 2004” and inserting “through 2015”.



1 **SEC. 5012. MEMBERSHIP OF MISSOURI RIVER TRUST.**

2 Section 904(b)(1)(B) of the Water Resources Devel-  
3 opment Act of 2000 (114 Stat. 2708) is amended—

4 (1) by striking “and” at the end of clause (vii);

5 (2) by redesignating clause (viii) as clause (ix);

6 and

7 (3) by inserting after clause (vii) the following:

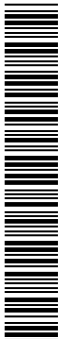
8 “(viii) rural water systems; and”.

9 **SEC. 5013. GREAT LAKES FISHERY AND ECOSYSTEM RES-**  
10 **TORATION.**

11 Section 506(f)(3)(B) of the Water Resources Devel-  
12 opment Act of 2000 (42 U.S.C. 1962d; 114 Stat. 2646)  
13 is amended by striking “50 percent” and inserting “100  
14 percent”.

15 **SEC. 5014. SUSQUEHANNA, DELAWARE, AND POTOMAC**  
16 **RIVER BASINS.**

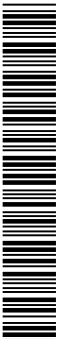
17 (a) EX OFFICIO MEMBER.—Notwithstanding section  
18 3001(a) of the 1997 Emergency Supplemental Appropria-  
19 tions Act for Recovery From Natural Disasters, and for  
20 Overseas Peacekeeping Efforts, Including Those in Bosnia  
21 (111 Stat. 176) and section 2.2 of both the Susquehanna  
22 River Basin Compact (Public Law 91–575) and the Dela-  
23 ware River Basin Compact (Public Law 87–328), begin-  
24 ning in fiscal year 2002 and thereafter, the Division Engi-  
25 neer, North Atlantic Division, Corps of Engineers, shall  
26 be the ex officio United States member under the Susque-



1 hanna River Basin Compact and the Delaware River  
2 Basin Compact, who shall serve without additional com-  
3 pensation and who may designate an alternate member or  
4 members in accordance with the terms of those respective  
5 compacts.

6 (b) AUTHORIZATION TO ALLOCATE.—The Secretary  
7 may allocate funds to the Susquehanna River Basin Com-  
8 mission, Delaware River Basin Commission, and the  
9 Interstate Commission on the Potomac River Basin (Poto-  
10 mac River Basin Compact (Public Law 91–407)) to fulfill  
11 the equitable funding requirements of their respective  
12 interstate compacts.

13 (c) WATER SUPPLY AND CONSERVATION STOR-  
14 AGE.—The Secretary shall enter into an agreement with  
15 the Delaware River Basin Commission to provide tem-  
16 porary water supply and conservation storage at the  
17 Francis E. Walter Dam, Pennsylvania, during any period  
18 in which the Commission has determined that a drought  
19 warning or drought emergency exists. The agreement shall  
20 provide that the cost for any such water supply and con-  
21 servation storage shall not exceed the incremental oper-  
22 ating costs associated with providing the storage.



1 **SEC. 5015. CHESAPEAKE BAY ENVIRONMENTAL RESTORA-**  
2 **TION AND PROTECTION PROGRAM.**

3 Section 510(i) of the Water Resources Development  
4 Act of 1996 (110 Stat. 3761) is amended by striking  
5 “\$10,000,000” and inserting “\$30,000,000”.

6 **SEC. 5016. MONTGOMERY, ALABAMA.**

7 The Secretary shall review the navigation and aquatic  
8 ecosystem restoration components of the Montgomery  
9 Riverfront and Downtown Master Plan, Montgomery, Ala-  
10 bama, dated May 2001, and prepared by the non-Federal  
11 interest and, if the Secretary determines that those com-  
12 ponents meet the evaluation and design standards of the  
13 Corps of Engineers and that the components are feasible,  
14 may carry out the components at a Federal cost not to  
15 exceed \$5,000,000.

16 **SEC. 5017. PINHOOK CREEK, HUNTSVILLE, ALABAMA.**

17 The Secretary shall design and construct the locally  
18 preferred plan for flood protection at Pinhook Creek,  
19 Huntsville, Alabama, under the authority of section 205  
20 of the Flood Control Act of 1948 (33 U.S.C. 701s). The  
21 Secretary shall allow the non-Federal interest to partici-  
22 pate in the financing of the project in accordance with sec-  
23 tion 903(c) of the Water Resources Development Act of  
24 1986 (100 Stat. 4184) to the extent that the Secretary’s  
25 evaluation indicates that applying such section is nec-  
26 essary to implement the project.



1 **SEC. 5018. ALASKA.**

2 Section 570 of the Water Resources Development Act  
3 of 1999 (113 Stat. 369) is amended—

4 (1) in subsection (e)(3)(B) by striking the last  
5 sentence;

6 (2) in subsection (h) by striking “\$25,000,000”  
7 and inserting “\$40,000,000”; and

8 (3) by adding at the end the following:

9 “(i) NONPROFIT ENTITIES.—Notwithstanding sec-  
10 tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.  
11 1962d–5b(b)), for any project undertaken under this sec-  
12 tion, a non-Federal interest may include a nonprofit enti-  
13 ty, with the consent of the affected local government.

14 “(j) CORPS OF ENGINEERS EXPENSES.—Ten percent  
15 of the amounts appropriated to carry out this section may  
16 be used by the Corps of Engineers district offices to ad-  
17 minister projects under this section at 100 percent Fed-  
18 eral expense.”.

19 **SEC. 5019. AKUTAN SMALL BOAT HARBOR, ALASKA.**

20 (a) IN GENERAL.—The Secretary shall expedite the  
21 study for the Akutan Small Boat Harbor, Alaska, and  
22 upon completion of the feasibility study, shall design and  
23 construct the project, if the Secretary determines that the  
24 project is feasible.

25 (b) TREATMENT OF CERTAIN DREDGING.—The  
26 headlands dredging for the mooring basin shall be consid-



1 ered general navigation feature for purposes of estimating  
2 the non-Federal share of the cost of the project.

3 **SEC. 5020. LOWELL CREEK TUNNEL, SEWARD, ALASKA.**

4 (a) LONG-TERM MAINTENANCE AND REPAIR.—The  
5 Secretary shall assume responsibility for the long-term  
6 maintenance and repair of the Lowell Creek Tunnel.

7 (b) STUDY.—The Secretary shall conduct a study to  
8 determine whether alternative methods of flood diversion  
9 in Lowell Canyon are feasible.

10 **SEC. 5021. ST. HERMAN AND ST. PAUL HARBORS, KODIAK,**  
11 **ALASKA.**

12 The Secretary shall carry out, on an emergency basis,  
13 necessary removal of rubble, sediment, and rock that are  
14 impeding the entrance to the St. Herman and St. Paul  
15 Harbors, Kodiak, Alaska, at a Federal cost of \$2,000,000.

16 **SEC. 5022. AUGUSTA AND CLARENDON, ARKANSAS.**

17 (a) IN GENERAL.—The Secretary is authorized to  
18 perform operation, maintenance, and rehabilitation of au-  
19 thorized and completed levees on the White River between  
20 Augusta and Clarendon, Arkansas.

21 (b) REIMBURSEMENT.—After performing the oper-  
22 ation, maintenance, and rehabilitation under subsection  
23 (a), the Secretary shall seek reimbursement from the Sec-  
24 retary of the Interior of an amount equal to the costs allo-



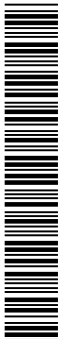
1 cated to benefits to a Federal wildlife refuge of such oper-  
2 ation, maintenance, and rehabilitation.

3 **SEC. 5023. LOOMIS LANDING, ARKANSAS.**

4       The Secretary shall conduct a study of shore damage  
5 in the vicinity of Loomis Landing, Arkansas, to determine  
6 if the damage is the result of a Federal navigation project,  
7 and, if the Secretary determines that the damage is the  
8 result of a Federal navigation project, the Secretary shall  
9 carry out a project to mitigate the damage under section  
10 111 of the River and Harbor Act of 1968 (33 U.S.C.  
11 426i).

12 **SEC. 5024. MCCLELLAN-KERR ARKANSAS RIVER NAVIGA-**  
13 **TION PROJECT, ARKANSAS AND OKLAHOMA.**

14       The McClellan-Kerr Arkansas River navigation and  
15 comprehensive development project, Arkansas and Okla-  
16 homa, authorized by the Act entitled “An Act authorizing  
17 the construction of certain public works on rivers and har-  
18 bors for flood control, and for other purposes”, approved  
19 June 28, 1938 (52 Stat. 1215), and the first section of  
20 the River and Harbor Act of 1946 (60 Stat. 364) and  
21 modified by section 108 of the Energy and Water Develop-  
22 ment Appropriations Act, 1988 (101 Stat. 1329–112), is  
23 further modified to authorize a project depth of 12 feet  
24 in the States of Arkansas and Oklahoma.





1   **SEC. 5025. ST. FRANCIS RIVER BASIN, ARKANSAS AND MIS-**  
2                   **SOURI.**

3           The Secretary shall conduct a study of increased sil-  
4 tation and streambank erosion in the St. Francis River  
5 basin, Arkansas and Missouri, to determine if the siltation  
6 or erosion, or both, are the result of a Federal flood con-  
7 trol project and, if the Secretary determines that the silta-  
8 tion or erosion, or both, are the result of a Federal flood  
9 control project, the Secretary shall carry out a project to  
10 mitigate the siltation or erosion, or both.

11   **SEC. 5026. CAMBRIA, CALIFORNIA.**

12           Section 219(f)(48) of the Water Resources Develop-  
13 ment Act of 1992 (114 Stat. 2763A–220) is amended—

14                   (1) by striking “\$10,300,000” and inserting the  
15           following:

16                           “(A) IN GENERAL.—\$10,300,000”;

17                   (2) by adding at the end the following:

18                           “(B) CREDIT.—The Secretary shall credit  
19           toward the non-Federal share of the cost of the  
20           project not to exceed \$3,000,000 for the cost of  
21           planning and design work carried out by the  
22           non-Federal interest before the date of the  
23           partnership agreement for the project if the  
24           Secretary determines that the work is integral  
25           to the project.”; and



1 (3) by aligning the remainder of the text of  
2 subparagraph (A) (as designated by paragraph (1)  
3 of this section) with subparagraph (B) (as added by  
4 paragraph (2) of this section).

5 **SEC. 5027. EAST SAN JOAQUIN COUNTY, CALIFORNIA.**

6 Section 219(f)(22) of the Water Resources Develop-  
7 ment Act of 1992 (106 Stat. 4835–4836; 113 Stat. 336)  
8 is amended—

9 (1) by striking “\$25,000,000” and inserting the  
10 following:

11 “(A) IN GENERAL.—\$25,000,000”;

12 (2) by adding at the end the following:

13 “(B) CREDIT.—The Secretary shall credit  
14 toward the non-Federal share of the cost of the  
15 project (i) the cost of design and construction  
16 work carried out by the non-Federal interest  
17 before the date of the partnership agreement  
18 for the project if the Secretary determines that  
19 the work is integral to the project; and (ii) the  
20 cost of in-kind services and materials provided  
21 for the project by the non-Federal interest.

22 “(C) IN-KIND CONTRIBUTIONS.—The non-  
23 Federal interest may provide any portion of the  
24 non-Federal share of the cost of the project in



1 the form of services, materials, supplies, or  
2 other in-kind contributions.”; and

3 (3) by aligning the remainder of the text of  
4 subparagraph (A) (as designated by paragraph (1)  
5 of this section) with subparagraph (B) (as added by  
6 paragraph (2) of this section).

7 **SEC. 5028. SACRAMENTO AREA, CALIFORNIA.**

8 Section 219(f)(23) of the Water Resources Develop-  
9 ment Act of 1992 (106 Stat. 4835–4836; 113 Stat. 336)  
10 is amended—

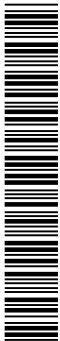
11 (1) by striking “\$25,000,000” and inserting  
12 “\$35,000,000”; and

13 (2) by inserting “water supply and” before “re-  
14 gional”; and

15 (3) by adding at the end the following:  
16 “\$\_\_\_\_\_ for wastewater and water sup-  
17 ply infrastructure in the counties of Modoc, Lassen,  
18 Plumas, Butte, Sierra, Nevada, El Dorado, and  
19 Placer, California.”.

20 **SEC. 5029. SAN FRANCISCO, CALIFORNIA.**

21 (a) PIER 70 WHARF 5 REMOVAL AND DREDGING  
22 PROJECT.—The Secretary, in cooperation with the Port  
23 of San Francisco, shall carry out the project for removal  
24 of Wharf 5 and associated pilings and dredgings at Pier



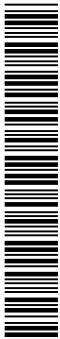
1 70 in San Francisco, California, substantially in accord-  
2 ance with the Port's redevelopment plans.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
4 authorized to be appropriated \$1,600,000 to carry out this  
5 section.

6 **SEC. 5030. SAN FRANCISCO, CALIFORNIA, WATERFRONT**  
7 **AREA.**

8 (a) AREA TO BE DECLARED NONNAVIGABLE; PUB-  
9 LIC INTEREST.—Unless the Secretary finds, after con-  
10 sultation with local and regional public officials (including  
11 local and regional public planning organizations), that the  
12 proposed projects to be undertaken within the boundaries  
13 of the portion of the San Francisco, California, waterfront  
14 area described in subsection (b) are not in the public inter-  
15 est, such portion is declared to be nonnavigable waters of  
16 the United States.

17 (b) NORTHERN EMBARCADERO SOUTH OF BRYANT  
18 STREET.—The portion of the San Francisco, California,  
19 waterfront area referred to in subsection (a) is as follows:  
20 Beginning at the intersection of the northwesterly line of  
21 Bryant Street with the southwesterly line of Spear Street,  
22 which intersection lies on the line of jurisdiction of the  
23 San Francisco Port Authority; following thence westerly  
24 and southerly along said line of jurisdiction as described  
25 in the State of California Harbor and Navigable Code Sec-



1 tion 1770, as amended in 1961, to its intersection with  
2 the easterly line of Townsend Street produced southerly;  
3 thence northerly along said easterly line of Townsend  
4 Street produced to its intersection with the United States  
5 Government pier-head line; thence following said pier-head  
6 line westerly and northerly to its intersection with the ex-  
7 isting boundary line of Piers 30/32, then northerly and  
8 easterly along the existing boundary of Piers 30/32 until  
9 its intersection with the United States Government pier-  
10 head line, thence following said pier-head line westerly and  
11 northerly to the northwesterly line of Bryant Street pro-  
12 duced northwesterly; thence southwesterly along said  
13 northwesterly line of Bryant Street produced to the point  
14 of beginning.

15 (c) REQUIREMENT THAT AREA BE IMPROVED.—The  
16 declaration of nonnavigability under subsection (a) applies  
17 only to those parts of the area described in subsection (b)  
18 that are or will be bulkheaded, filled, or otherwise occupied  
19 by permanent structures and does not affect the applica-  
20 bility of any Federal statute or regulation applicable to  
21 such parts the day before the date of enactment of this  
22 Act, including sections 9 and 10 of the Act of March 3,  
23 1899 (33 U.S.C. 401 and 403; 30 Stat. 1151), commonly  
24 known as the Rivers and Harbors Appropriation Act of  
25 1899, section 404 of the Federal Water Pollution Control



1 Act (33 U.S.C. 1344), and the National Environmental  
2 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

3 (d) EXPIRATION DATE.—If, 20 years from the date  
4 of enactment of this Act, any area or part thereof de-  
5 scribed in subsection (b) is not bulkheaded or filled or oc-  
6 cupied by permanent structures, including marina facili-  
7 ties, in accordance with the requirements set out in sub-  
8 section (c), or if work in connection with any activity per-  
9 mitted in subsection (c) is not commenced within 5 years  
10 after issuance of such permits, then the declaration of  
11 nonnavigability for such area or part thereof shall expire.

12 **SEC. 5031. STOCKTON, CALIFORNIA.**

13 (a) REEVALUATION.—The Secretary shall reevaluate  
14 the feasibility of the Lower Mosher Slough element and  
15 the levee extensions on the Upper Calaveras River element  
16 of the project for flood control, Stockton Metropolitan  
17 Area, California, carried out under section 211(f)(3) of the  
18 Water Resources Development Act of 1996 (110 Stat.  
19 3683), to determine the eligibility of such elements for re-  
20 imbursement under section 211 of such Act (33 U.S.C.  
21 701b–13).

22 (b) SPECIAL RULES FOR REEVALUATION.—In con-  
23 ducting the reevaluation under subsection (a), the Sec-  
24 retary shall not reject a feasibility determination based on  
25 policies of the Corps of Engineers concerning the fre-



1 quency of flooding, the drainage area, and the amount of  
2 runoff.

3 (c) REIMBURSEMENT.—If the Secretary determines  
4 that the elements referred to subsection (a) are feasible,  
5 the Secretary shall reimburse, subject to appropriations,  
6 the non-Federal interest under section 211 of the Water  
7 Resources Development Act of 1996 for the Federal share  
8 of the cost of such elements.

9 **SEC. 5032. CHARLES HERVEY TOWNSHEND BREAKWATER,**  
10 **CONNECTICUT.**

11 The western breakwater for the project for naviga-  
12 tion, New Haven Harbor, Connecticut, authorized by the  
13 1st section of the Act entitled “An Act making appropria-  
14 tions for the construction, repair, and preservation of cer-  
15 tain public works on rivers and harbors, and for other pur-  
16 poses”, approved September 19, 1890 (26 Stat. 426),  
17 shall be known and designated as the “Charles Hervey  
18 Townshend Breakwater”.

19 **SEC. 5033. EVERGLADES RESTORATION, FLORIDA.**

20 (a) COMPREHENSIVE PLAN.—

21 (1) HILLSBORO AND OKEECHOBEE AQUIFER.—

22 Section 601(b)(2)(A) of the Water Resources Devel-  
23 opment Act of 2000 (114 Stat. 2681) is amended—

24 (A) in clause (i) by adding at the end the  
25 following: “The project for aquifer storage and



1 recovery, Hillsboro and Okeechobee Aquifer,  
2 Florida, authorized by section 101(a)(16) of the  
3 Water Resources Development Act of 1999  
4 (113 Stat. 276), shall be treated for purposes  
5 of this section as being in the Plan.”; and

6 (B) in clause (iii) by inserting after “sub-  
7 paragraph (B)” the following: “and the project  
8 for aquifer storage and recovery, Hillsboro and  
9 Okeechobee Aquifer”.

10 (2) OUTREACH AND ASSISTANCE.—Section  
11 601(k) of such Act (114 Stat. 2691–2692) is  
12 amended by adding at the end the following:

13 “(3) MAXIMUM EXPENDITURES.—The Sec-  
14 retary may expend up to \$3,000,000 per fiscal year  
15 for fiscal years beginning after September 30, 2002,  
16 to carry out this subsection.”.

17 (b) CRITICAL RESTORATION PROJECTS.—Section  
18 528(b)(3)(C) of the Water Resources Development Act of  
19 1996 (110 Stat. 3769; 113 Stat. 286) is amended—

20 (1) in clause (i) by striking “\$75,000,000” and  
21 all that follows through “2003” and inserting  
22 “\$95,000,000”; and

23 (2) in clause (ii) by striking “\$25,000,000” and  
24 inserting “\$30,000,000”.





1 **SEC. 5034. FLORIDA KEYS WATER QUALITY IMPROVE-**  
2 **MENTS.**

3 Section 109(e)(2) of Division B of the Miscellaneous  
4 Appropriations Act, 2001 (enacted into law by Public Law  
5 106-554) (114 Stat. 2763A-222) is amended by adding  
6 at the end the following:

7 “(C) CREDIT FOR WORK PRIOR TO EXECU-  
8 TION OF THE PARTNERSHIP AGREEMENT.—The  
9 Secretary shall credit toward the non-Federal  
10 share of the cost of the project (i) the cost of  
11 construction work carried out by the non-Fed-  
12 eral interest before the date of the partnership  
13 agreement for the project if the Secretary de-  
14 termines that the work is integral to the  
15 project; and (ii) the cost of land acquisition car-  
16 ried out by the non-Federal interest for projects  
17 to be carried out under this section.”.

18 **SEC. 5035. LAKE WORTH, FLORIDA.**

19 The Secretary may carry out necessary repairs for  
20 the Lake Worth bulkhead replacement project, West Palm  
21 Beach, Florida, at an estimated total cost of \$9,000,000.

22 **SEC. 5036. LAKE LANIER, GEORGIA.**

23 The Secretary may assist local interests with plan-  
24 ning, design, and construction of facilities at the Lake La-  
25 nier Olympic Center, Georgia, in support of the 2003



1 World Kayaking Championships, at a total cost of  
2 \$5,300,000.

3 **SEC. 5037. RILEY CREEK RECREATION AREA, IDAHO.**

4 The Secretary is authorized to carry out the Riley  
5 Creek Recreation Area Operation Plan of the Albeni Falls  
6 Management Plan, dated October 2001, for the Riley  
7 Creek Recreation Area, Albeni Falls Dam, Bonner Coun-  
8 ty, Idaho.

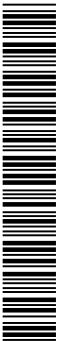
9 **SEC. 5038. GRAND TOWER DRAINAGE AND LEVEES, GRAND**  
10 **TOWER TOWNSHIP, ILLINOIS.**

11 (a) IN GENERAL.—The Secretary is authorized to  
12 perform operation and maintenance of authorized and  
13 completed levees on the Mississippi River in Grand Tower  
14 Township, Illinois.

15 (b) ALLOCATION OF COSTS.—The Secretary shall al-  
16 locate the cost of operation and maintenance performed  
17 under subsection (a) on the basis of whether the lands pro-  
18 tected by the levees are owned by the United States.

19 (c) NON-FEDERAL COSTS.—If the lands protected by  
20 the levees are not owned by the United States, the cost  
21 of operation and maintenance allocated to protecting such  
22 lands under subsection (b) shall be a non-Federal cost.

23 (d) FEDERAL COSTS.—If the lands protected by the  
24 levees are owned by the United States, the cost of oper-  
25 ation and maintenance allocated to protecting such lands



1 under subsection (b) shall be a Federal cost. After per-  
2 forming the operation and maintenance under subsection  
3 (a), the Secretary shall seek reimbursement from the Sec-  
4 retary of the Agriculture of an amount equal to the costs  
5 allocated to protecting lands owned by the Department of  
6 Agriculture.

7 **SEC. 5039. KASKASKIA RIVER BASIN, ILLINOIS, RESTORA-**  
8 **TION.**

9 (a) KASKASKIA RIVER BASIN DEFINED.—In this sec-  
10 tion, the term “Kaskaskia River basin” means the  
11 Kaskaskia River, Illinois, its backwaters, its side channels,  
12 and all tributaries, including their watersheds, draining  
13 into the Kaskaskia River.

14 (b) COMPREHENSIVE PLAN.—

15 (1) DEVELOPMENT.—The Secretary shall de-  
16 velop, as expeditiously as practicable, a comprehen-  
17 sive plan for the purpose of restoring, preserving,  
18 and protecting the Kaskaskia River basin.

19 (2) TECHNOLOGIES AND INNOVATIVE AP-  
20 PROACHES.—The comprehensive plan shall provide  
21 for the development of new technologies and innova-  
22 tive approaches—

23 (A) to enhance the Kaskaskia River as a  
24 transportation corridor;



1 (B) to improve water quality within the en-  
2 tire Kaskaskia River basin;

3 (C) to restore, enhance, and preserve habi-  
4 tat for plants and wildlife;

5 (D) to increase economic opportunity for  
6 agriculture and business communities; and

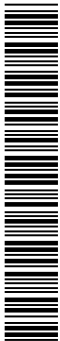
7 (E) to reduce the impacts of flooding to  
8 communities and landowners.

9 (3) SPECIFIC COMPONENTS.—The comprehen-  
10 sive plan shall include such features as are necessary  
11 to provide for—

12 (A) the development and implementation of  
13 a program for sediment removal technology,  
14 sediment characterization, sediment transport,  
15 and beneficial uses of sediment;

16 (B) the development and implementation  
17 of a program for the planning, conservation,  
18 evaluation, and construction of measures for  
19 fish and wildlife habitat conservation and reha-  
20 bilitation, and stabilization and enhancement of  
21 land and water resources in the basin;

22 (C) the development and implementation of  
23 a long-term resource monitoring program;



1 (D) the development and implementation  
2 of a computerized inventory and analysis sys-  
3 tem; and

4 (E) the development and implementation  
5 of a systemic plan to reduce flood impacts by  
6 means of ecosystem restoration projects.

7 (4) CONSULTATION.—The comprehensive plan  
8 shall be developed by the Secretary in consultation  
9 with appropriate Federal agencies, the State of Illi-  
10 nois, and the Kaskaskia River Coordinating Council.

11 (5) REPORT TO CONGRESS.—Not later than 2  
12 years after the date of enactment of this Act, the  
13 Secretary shall transmit to Congress a report con-  
14 taining the comprehensive plan.

15 (6) ADDITIONAL STUDIES AND ANALYSES.—  
16 After transmission of a report under paragraph (5),  
17 the Secretary shall conduct studies and analyses of  
18 projects related to the comprehensive plan that are  
19 appropriate and consistent with this subsection.

20 (c) GENERAL PROVISIONS.—

21 (1) WATER QUALITY.—In carrying out activi-  
22 ties under this section, the Secretary's recommenda-  
23 tions shall be consistent with applicable State water  
24 quality standards.



1           (2) PUBLIC PARTICIPATION.—In developing the  
2       comprehensive plan under subsection (b), the Sec-  
3       retary shall implement procedures to facilitate public  
4       participation, including providing advance notice of  
5       meetings, providing adequate opportunity for public  
6       input and comment, maintaining appropriate  
7       records, and making a record of the proceedings of  
8       meetings available for public inspection.

9       (d) COORDINATION.—The Secretary shall integrate  
10   activities carried out under this section with ongoing Fed-  
11   eral and State programs, projects, and activities, including  
12   the following:

13           (1) Farm programs of the Department of Agri-  
14   culture.

15           (2) Conservation Reserve Enhancement Pro-  
16   gram (State of Illinois) and Conservation 2000 Eco-  
17   system Program of the Illinois Department of Nat-  
18   ural Resources.

19           (3) Conservation 2000 Conservation Practices  
20   Program and the Livestock Management Facilities  
21   Act administered by the Illinois Department of Agri-  
22   culture.

23           (4) National Buffer Initiative of the Natural  
24   Resources Conservation Service.



1 (5) Nonpoint source grant program adminis-  
2 tered by the Illinois Environmental Protection Agen-  
3 cy.

4 (e) COST SHARING.—

5 (1) IN GENERAL.—The non-Federal share of  
6 the cost of activities carried out under this section  
7 shall be 35 percent.

8 (2) IN-KIND SERVICES.—The Secretary may  
9 credit the cost of in-kind services provided by the  
10 non-Federal interest for an activity carried out  
11 under this section toward not more than 80 percent  
12 of the non-Federal share of the cost of the activity.  
13 In-kind services shall include all State funds ex-  
14 pended on programs that accomplish the goals of  
15 this section, as determined by the Secretary. The  
16 programs may include the Kaskaskia River Con-  
17 servation Reserve Program, the Illinois Conservation  
18 2000 Program, the Open Lands Trust Fund, and  
19 other appropriate programs carried out in the  
20 Kaskaskia River basin.

21 **SEC. 5040. NATALIE CREEK, MIDLOTHIAN AND OAK FOR-**  
22 **EST, ILLINOIS.**

23 The Secretary shall carry out a project for flood dam-  
24 age reduction under section 205 of the Flood Control Act  
25 of 1948 (33 U.S.C. 701s) Natalie Creek, Midlothian and



1 Oak Forest, Illinois, if the Secretary determines that the  
2 project is feasible.

3 **SEC. 5041. PEORIA RIVERFRONT DEVELOPMENT, PEORIA,**  
4 **ILLINOIS.**

5 The Secretary may carry out the project for Peoria  
6 riverfront development, Peoria, Illinois, under section 519  
7 of the Water Resources Development Act of 2000 (114  
8 Stat. 2653–2655), at a total cost of \$16,000,000, with  
9 an estimated Federal cost of \$10,400,000 and an esti-  
10 mated non-Federal cost of \$5,600,000.

11 **SEC. 5042. ILLINOIS RIVER BASIN RESTORATION.**

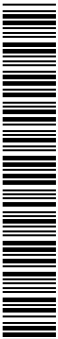
12 (a) EXTENSION OF AUTHORIZATION.—Section  
13 519(c)(2) of the Water Resources Development Act of  
14 2000 (114 Stat. 2654) is amended by striking “2004” and  
15 inserting “2010”.

16 (b) IN-KIND SERVICES.—Section 519(g)(3) of such  
17 Act (114 Stat. 2655) is amended by inserting before the  
18 period at the end of the first sentence “if such services  
19 are provided not more than 5 years before the date of initi-  
20 ation of the project or activity”.

21 **SEC. 5043. CALUMET REGION, INDIANA.**

22 Section 219(f)(12) of the Water Resources Develop-  
23 ment Act of 1992 (113 Stat. 335) is amended—

24 (1) by striking “\$10,000,000” and inserting  
25 “\$30,000,000”; and





1 (2) by striking “Lake and Porter” and insert-  
2 ing “Benton, Jasper, Lake, Newton, and Porter”.

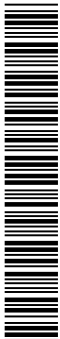
3 **SEC. 5044. RATHBUN LAKE, IOWA.**

4 (a) CONVEYANCE.—The Secretary shall convey the  
5 remaining water supply storage allocation in Rathbun  
6 Lake, Iowa, to the Rathbun Regional Water Association  
7 (in this section referred to as the “Water Association”).

8 (b) COST SHARING.—Notwithstanding the Water  
9 Supply Act of 1958 (43 U.S.C. 390b), the Water Associa-  
10 tion shall pay 100 percent of the cost of the water supply  
11 storage allocation to be conveyed under subsection (a).  
12 The Secretary shall credit toward such non-Federal share  
13 the cost of any structures and facilities constructed by the  
14 Water Association at the project.

15 (c) TERMS AND CONDITIONS.—Before conveying the  
16 water supply storage allocation under subsection (a), the  
17 Secretary shall enter into an agreement with the Water  
18 Association under which the Water Association shall agree  
19 to—

20 (1) in accordance with designs approved by the  
21 Chief of Engineers, construct structures and facili-  
22 ties referred to in subsection (b) that have a value  
23 equal to or greater than the amount that otherwise  
24 would be paid to the Federal Government for the



1 costs of the water supply storage under the Water  
2 Supply Act of 1958 (43 U.S.C. 390b);

3 (2) be responsible for operating and maintain-  
4 ing the structures and facilities;

5 (3) pay all operation and maintenance costs al-  
6 located to the water supply storage space;

7 (4) use any revenues generated at the struc-  
8 tures and facilities that are above those required to  
9 operate and maintain or improve the complex to un-  
10 dertake, subject to the approval of the Chief of En-  
11 gineers, activities that will improve the quality of the  
12 environment in the Rathbun Lake watershed area;  
13 and

14 (5) such other terms and conditions as the Sec-  
15 retary considers necessary to protect the interests of  
16 the United States.

17 **SEC. 5045. CUMBERLAND RIVER BASIN, KENTUCKY.**

18 At reservoirs managed by the Secretary within the  
19 Cumberland River basin, Kentucky, the Secretary shall  
20 continue to charge fees associated with storage and main-  
21 tenance of water supply that were in effect on October  
22 1, 2002.



1 **SEC. 5046. MAYFIELD CREEK AND TRIBUTARIES, KEN-**  
2 **TUCKY.**

3 The Secretary shall conduct a study of flood damage  
4 along Mayfield Creek and tributaries between Wickliffe  
5 and Mayfield, Kentucky, to determine if the damage is the  
6 result of a Federal flood damage reduction project, and,  
7 if the Secretary determines that the damage is the result  
8 of a Federal flood damage reduction project, the Secretary  
9 shall carry out a project to mitigate the damage at Federal  
10 expense.

11 **SEC. 5047. NORTH FORK, KENTUCKY RIVER, BREATHITT**  
12 **COUNTY, KENTUCKY.**

13 The Secretary shall rebuild the structure that is im-  
14 peding high water flows on the North Fork of the Ken-  
15 tucky River in Breathitt County, Kentucky, in a manner  
16 that will reduce flood damages, at an estimated total cost  
17 of \$1,800,000. The non-Federal interest shall provide  
18 lands, easements, rights-of-way, relocations, and disposal  
19 areas required for the project. Operation and maintenance  
20 of the rebuilt structure shall be a non-Federal expense.

21 **SEC. 5048. SOUTHERN AND EASTERN KENTUCKY.**

22 (a) CORPS OF ENGINEERS EXPENSES.—Section 531  
23 of the Water Resources Development Act of 1996 (110  
24 Stat. 3774; 113 Stat. 348; 117 Stat. 142) is amended by  
25 adding the following:



1       “(i) CORPS OF ENGINEERS EXPENSES.—Ten percent  
2 of the amounts appropriated to carry out this section for  
3 fiscal years 2004 and thereafter may be used by the Corps  
4 of Engineers district offices to administer projects under  
5 this section at 100 percent Federal expense.”.

6   **SEC. 5049. COASTAL LOUISIANA ECOSYSTEM PROTECTION**  
7                   **AND RESTORATION.**

8       (a) DEFINITIONS.—In this section, the following defi-  
9 nitions apply:

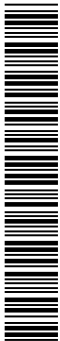
10           (1) COASTAL LOUISIANA ECOSYSTEM.—The  
11 term “Coastal Louisiana Ecosystem” means the  
12 coastal area of Louisiana from the Sabine River on  
13 the west to the Pearl River on the east and includes  
14 tidal waters, barrier islands, marshes, coastal wet-  
15 lands, rivers and streams, and adjacent areas.

16           (2) GOVERNOR.—The term “Governor” means  
17 the Governor of Louisiana.

18           (3) TASK FORCE.—The term “Task Force”  
19 means the Coastal Louisiana Ecosystem Protection  
20 and Restoration Task Force established by sub-  
21 section (e).

22       (b) COMPREHENSIVE PLAN.—

23           (1) IN GENERAL.—The Secretary shall develop  
24 a comprehensive plan for the purpose of protecting,  
25 preserving, and restoring the Coastal Louisiana Eco-



1 system. The comprehensive plan shall provide for the  
2 protection, conservation and restoration of the wet-  
3 lands, barrier islands, shorelines, and related lands  
4 and features that protect critical resources, habitat,  
5 and infrastructure from the impacts of coastal  
6 storms, hurricanes, erosion, and subsidence.

7 (2) DEADLINE.—Not later than July 1, 2004,  
8 the Secretary shall transmit the plan to Congress.

9 (3) CONTENTS.—The plan shall include a com-  
10 prehensive report and a programmatic environmental  
11 impact statement covering the proposed Federal ac-  
12 tion set forth in the plan.

13 (4) ADDITIONAL STUDIES AND ANALYSES.—  
14 After transmission of a report under this subsection,  
15 the Secretary may conduct studies and analyses of  
16 projects related to the comprehensive plan that are  
17 appropriate and consistent with this subsection.

18 (c) INTEGRATION OF OTHER ACTIVITIES.—

19 (1) IN GENERAL.—In developing the plan under  
20 subsection (b), the Secretary shall integrate ongoing  
21 Federal and State projects and activities, including  
22 projects implemented under the Coastal Wetlands  
23 Planning, Protection and Restoration Act (16  
24 U.S.C. 3951 et seq.), the Louisiana Coastal Wet-  
25 lands Conservation Plan, the Louisiana Coastal



1       Zone Management Plan, and the plan of the State  
2       of Louisiana entitled “Coast 2050: Toward a Sus-  
3       tainable Coastal Louisiana”.

4           (2) STATUTORY CONSTRUCTION.—

5           (A) EXISTING AUTHORITY.—Except as  
6       otherwise expressly provided for in this section,  
7       nothing in the section affects any authority in  
8       effect on the date of enactment of this Act, or  
9       any requirement relating to the participation in  
10      protection or restoration activities in the Coast-  
11      al Louisiana Ecosystem, including projects and  
12      activities specified in paragraph (1) of—

- 13           (i) the Department of the Army;  
14           (ii) the Department of the Interior;  
15           (iii) the Department of Commerce;  
16           (iv) the Environmental Protection  
17          Agency;  
18           (v) the Department of Agriculture;  
19           (vi) the Department of Transpor-  
20          tation;  
21           (vii) the Department of Energy; and  
22           (viii) the State of Louisiana.

23           (B) NEW AUTHORITY.—Nothing in this  
24      section confers any new regulatory authority on



1 any Federal or non-Federal entity that carries  
2 out any activity authorized by this section.

3 (d) COST SHARING.—The non-Federal share of the  
4 cost of developing the plan under subsection (b) shall be  
5 50 percent.

6 (e) COASTAL LOUISIANA ECOSYSTEM PROTECTION  
7 AND RESTORATION TASK FORCE.—

8 (1) ESTABLISHMENT AND MEMBERSHIP.—

9 There is established the Coastal Louisiana Eco-  
10 system Protection and Restoration Task Force,  
11 which shall consist of the following members (or, in  
12 the case of the head of a Federal Agency, a designee  
13 at the level of Assistant Secretary or an equivalent  
14 level):

15 (A) The Secretary.

16 (B) The Secretary of the Interior.

17 (C) The Secretary of Commerce.

18 (D) The Administrator of the Environ-  
19 mental Protection Agency.

20 (E) The Secretary of Agriculture.

21 (F) The Secretary of Transportation.

22 (G) The Secretary of Energy.

23 (H) The Coastal Advisor to the Governor.

24 (I) The Secretary of the Louisiana Depart-  
25 ment of Natural Resources.



1 (J) A representative of the Governor's Ad-  
2 visory Commission on Coastal Restoration and  
3 Conservation, Louisiana.

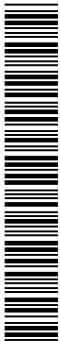
4 (2) DUTIES OF TASK FORCE.—The Task  
5 Force—

6 (A) shall consult with, and provide rec-  
7 ommendations to, the Secretary during develop-  
8 ment of the comprehensive plan under sub-  
9 section (b)(1);

10 (B) shall coordinate the development of  
11 consistent policies, strategies, plans, programs,  
12 projects, activities, and priorities for addressing  
13 the protection, conservation, and restoration of  
14 the Coastal Louisiana Ecosystem;

15 (C) shall exchange information regarding  
16 programs, projects, and activities of the agen-  
17 cies and entities represented on the Task Force  
18 to promote ecosystem protection, restoration,  
19 and maintenance;

20 (D) shall establish a regional working  
21 group which shall include representatives of the  
22 agencies and entities represented on the Task  
23 Force as well as other governmental entities as  
24 appropriate for the purpose of formulating, rec-  
25 ommending, coordinating, and implementing





1 policies, strategies, plans, programs, projects,  
2 activities, and priorities of the Task Force;

3 (E) may allow the working group described  
4 in subparagraph (D) to—

5 (i) establish such advisory bodies as  
6 are necessary to assist the Task Force in  
7 its duties; and

8 (ii) select as an advisory body any en-  
9 tity that represents a broad variety of pri-  
10 vate and public interests;

11 (F) shall facilitate the resolution of inter-  
12 agency and intergovernmental conflicts associ-  
13 ated with the protection, conservation, and res-  
14 toration of the Coastal Louisiana Ecosystem;

15 (G) shall coordinate scientific research as-  
16 sociated with the protection and restoration of  
17 the Coastal Louisiana Ecosystem;

18 (H) shall provide assistance and support to  
19 agencies and entities represented on the Task  
20 Force in their protection and restoration activi-  
21 ties;

22 (I) shall prepare an integrated financial  
23 plan and recommendations for coordinated  
24 budget requests for the funds proposed to be  
25 expended by agencies and entities represented



1 on the Task Force for the protection, conserva-  
2 tion, and restoration of the Coastal Louisiana  
3 Ecosystem; and

4 (J) shall transmit to the Committee on  
5 Transportation and Infrastructure of the House  
6 of Representatives and the Committee on Envi-  
7 ronment and Public Works of the Senate a re-  
8 port that summarizes the activities of the Task  
9 Force.

10 (3) PROCEDURES AND ADVICE.—

11 (A) PUBLIC PARTICIPATION.—

12 (i) IN GENERAL.—The Task Force  
13 shall implement procedures to facilitate  
14 public participation in the advisory proc-  
15 ess, including providing advance notice of  
16 meetings, providing adequate opportunity  
17 for public input and comment, maintaining  
18 appropriate records, and making a record  
19 of proceedings of meetings available for  
20 public inspection.

21 (ii) OVERSIGHT.—The Secretary shall  
22 ensure that the procedures described in  
23 clause (i) are adopted and implemented  
24 and that the records described in clause (i)



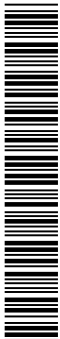
1 are accurately maintained and available for  
2 public inspection.

3 (B) ADVISORS TO THE TASK FORCE AND  
4 WORKING GROUPS.—The Task Force or the  
5 working group described in paragraph (2)(D)  
6 may seek such advice and input from any inter-  
7 ested, knowledgeable, or affected party as the  
8 Task Force or working group determines to be  
9 necessary to perform the duties described in  
10 paragraph (2).

11 (C) APPLICATION OF THE FEDERAL ADVI-  
12 SORY COMMITTEE ACT.—The Task Force, advi-  
13 sors to the Task Force, and any associated  
14 workgroups shall not be considered advisory  
15 committees under the Federal Advisory Com-  
16 mittee Act (5 U.S.C. App).

17 (4) COMPENSATION.—A member of the Task  
18 Force shall receive no additional compensation for  
19 the services provided as a member of the Task  
20 Force.

21 (5) TRAVEL EXPENSES.—Travel expenses in-  
22 curred by a member of the Task Force in the per-  
23 formance of services for the Task Force shall be  
24 paid by the agency or entity that the member rep-  
25 represents.



1 **SEC. 5050. BATON ROUGE, LOUISIANA.**

2 Section 219(f)(21) of the Water Resources Develop-  
3 ment Act of 1992 (113 Stat. 336; 114 Stat. 2763A–220)  
4 is amended by striking “\$20,000,000” and inserting  
5 “\$35,000,000”.

6 **SEC. 5051. WEST BATON ROUGE PARISH, LOUISIANA.**

7 Section 517(5) of the Water Resources Development  
8 Act of 1999 (113 Stat. 345) is amended to read as follows:

9 “(5) Mississippi River, West Baton Rouge Par-  
10 ish, Louisiana, project for waterfront and riverine  
11 preservation, restoration, enhancement modifica-  
12 tions, and interpretive center development.”.

13 **SEC. 5052. CHESAPEAKE BAY SHORELINE, MARYLAND, VIR-**  
14 **GINIA, PENNSYLVANIA, AND DELAWARE.**

15 (a) IN GENERAL.—In carrying out comprehensive  
16 study of the feasibility of a project to address shoreline  
17 erosion and related sediment management measures to  
18 protect water and land resources of the Chesapeake Bay,  
19 the Secretary may carry out pilot projects to demonstrate  
20 the feasibility of alternative measures to address sediment  
21 loads to the Chesapeake Bay from sediment behind dams  
22 on the lower Susquehanna River.

23 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
24 authorized to be appropriated \$5,000,000 to carry out this  
25 section.



1 **SEC. 5053. DELMARVA CONSERVATION CORRIDOR, MARY-**  
2 **LAND.**

3 (a) ASSISTANCE.—The Secretary may provide tech-  
4 nical assistance to the Secretary of Agriculture in carrying  
5 out the Conservation Corridor Demonstration Program  
6 authorized under subtitle G of title II of Public Law 107–  
7 171 (116 Stat. 275–278).

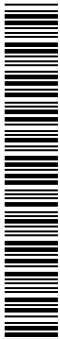
8 (b) COORDINATION AND INTEGRATION.—In carrying  
9 out water resources projects in the State of Maryland on  
10 land located on the east side of the Chesapeake Bay, the  
11 Secretary shall coordinate and integrate, to the extent  
12 practicable, such projects with any activities undertaken  
13 to implement a conservation corridor plan approved by the  
14 Secretary of Agriculture under section 2602 of Public Law  
15 107–171 (116 Stat. 275–276).

16 **SEC. 5054. DETROIT RIVER, MICHIGAN.**

17 Section 568(c)(2) of the Water Resources Develop-  
18 ment Act of 1999 (113 Stat. 368) is amended by striking  
19 “\$1,000,000” and inserting “\$25,000,000”.

20 **SEC. 5055. OAKLAND COUNTY, MICHIGAN.**

21 Section 219(f)(29) of the Water Resources Develop-  
22 ment Act of 1992 (113 Stat. 336) is amended by inserting  
23 “sanitary sewer overflows and” before “combined sewer  
24 overflows”.



1 **SEC. 5056. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.**  
2

3 The Secretary shall carry out feasible aquatic eco-  
4 system restoration projects identified in the comprehensive  
5 management plan for St. Clair River and Lake St. Clair,  
6 Michigan, developed under section 426 of the Water Re-  
7 sources Development Act of 1999 (113 Stat. 326), at a  
8 total Federal cost of not to exceed \$5,000,000.

9 **SEC. 5057. GARRISON AND KATHIO TOWNSHIP, MINNESOTA.**

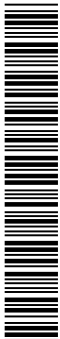
10 (a) PROJECT DESCRIPTION.—Section 219(f)(61) of  
11 the Water Resources Development Act of 1992 (114 Stat.  
12 2763A–221) is amended—

13 (1) in the paragraph heading by striking  
14 “TOWNSHIP” and inserting “AND CROW WING AND  
15 MILLE LACS COUNTIES”;

16 (2) by inserting “, Crow Wing County, Mille  
17 Lacs County,” after “Garrison”; and

18 (3) by adding at the end the following: “Such  
19 assistance shall be provided directly to the Garrison-  
20 Kathio-West Mille Lacs Lake Sanitary District,  
21 Minnesota.”.

22 (b) PROCEDURE.—In carrying out the project for  
23 Garrison and Kathio Township, Minnesota, authorized by  
24 such section 219(f)(61), the Secretary may use the cost  
25 sharing and contracting procedure available to the Sec-



1 retary under section 569 of the Water Resources Develop-  
2 ment Act of 1999 (113 Stat. 368).

3 **SEC. 5058. NORTHEASTERN MINNESOTA.**

4 (a) IN GENERAL.—Section 569 of the Water Re-  
5 sources Development Act of 1999 (113 Stat. 368) is  
6 amended—

7 (1) in subsection (a) by striking “Benton,  
8 Sherburne,” and inserting “Beltrami, Hubbard,  
9 Wadena,”;

10 (2) by striking the last sentence of subsection  
11 (e)(3)(B);

12 (3) by striking subsection (g) and inserting the  
13 following:

14 “(g) NONPROFIT ENTITIES.—Notwithstanding sec-  
15 tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.  
16 1962d–5b(b)), for any project undertaken under this sec-  
17 tion, a non-Federal interest may include a nonprofit enti-  
18 ty.”; and

19 (4) by adding at the end the following:

20 “(i) CORPS OF ENGINEERS EXPENSES.—Ten percent  
21 of the amounts appropriated to carry out this section may  
22 be used by the Corps of Engineers district offices to ad-  
23 minister projects under this section at 100 percent Fed-  
24 eral expense.”.



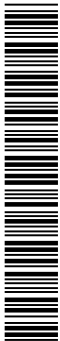
1 (b) BIWABIK, MINNESOTA.—The Secretary shall re-  
2 imburse the non-Federal interest for the project for envi-  
3 ronmental infrastructure, Biwabik, Minnesota, carried out  
4 under section 569 of the Water Resources Development  
5 Act of 1999 (113 Stat. 368–369), for planning, design,  
6 and construction costs incurred by the non-Federal inter-  
7 est with respect to the project before the date of the part-  
8 nership agreement for the project and were in excess of  
9 the non-Federal share of the project costs if the Secretary  
10 determines that the costs are appropriate.

11 **SEC. 5059. DESOTO COUNTY, MISSISSIPPI.**

12 Section 219(f)(30) of the Water Resources Develop-  
13 ment Act of 1992 (113 Stat. 336; 114 Stat. 2763A–220)  
14 is amended by striking “\$20,000,000” and inserting  
15 “\$30,000,000”.

16 **SEC. 5060. MISSISSIPPI RIVER, MISSOURI, AND ILLINOIS.**

17 As a part of the operation and maintenance of the  
18 project for the Mississippi River (Regulating Works), be-  
19 tween the Ohio and Missouri Rivers, Missouri and Illinois,  
20 authorized by the first section of an Act entitled “Making  
21 appropriations for the construction, repair, and preserva-  
22 tion of certain public works on rivers and harbors, and  
23 for other purposes”, approved June 25, 1910, the Sec-  
24 retary may carry out activities necessary to restore and  
25 protect fish and wildlife habitat in the middle Mississippi





1 River system. Such activities may include modification of  
2 navigation training structures, modification and creation  
3 of side channels, modification and creation of islands, and  
4 studies and analysis necessary to apply adaptive manage-  
5 ment principles in design of future work.

6 **SEC. 5061. ST. LOUIS, MISSOURI.**

7 Section 219(f)(32) of the Water Resources Develop-  
8 ment Act of 1992 (106 Stat. 4835–4836; 113 Stat. 337)  
9 is amended by striking “\$15,000,000” and inserting  
10 “\$35,000,000”.

11 **SEC. 5062. HACKENSACK MEADOWLANDS AREA, NEW JER-**  
12 **SEY.**

13 Section 324 of the Water Resources Development Act  
14 of 1992 (106 Stat. 4849; 110 Stat. 3779) is amended—

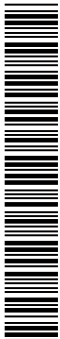
15 (1) in subsection (a)—

16 (A) by striking “design” and inserting  
17 “planning, design,”; and

18 (B) by striking “Hackensack Meadowlands  
19 Development” and all that follows through  
20 “Plan for” and inserting “New Jersey  
21 Meadowlands Commission for the development  
22 of an environmental improvement program for”;

23 (2) in subsection (b)—

24 (A) in the subsection heading by striking  
25 “REQUIRED”;



1 (B) by striking “shall” and inserting  
2 “may”;

3 (C) by striking paragraph (1) and insert-  
4 ing the following:

5 “(1) Restoration and acquisitions of significant  
6 wetlands and aquatic habitat that contribute to the  
7 Meadowlands ecosystem.”;

8 (D) in paragraph (2) by inserting “and  
9 aquatic habitat” before the period at the end;  
10 and

11 (E) by striking paragraph (7) and insert-  
12 ing the following:

13 “(7) Research, development, and implementa-  
14 tion for a water quality improvement program, in-  
15 cluding restoration of hydrology and tidal flows and  
16 remediation of hot spots and other sources of con-  
17 taminants that degrade existing or planned sites.”;

18 (3) in subsection (c) by inserting before the last  
19 sentence the following: “The non-Federal sponsor  
20 may also provide in-kind services, not to exceed 25  
21 percent of the total project cost, and may also re-  
22 ceive credit for reasonable cost of design work com-  
23 pleted prior to entering into the partnership agree-  
24 ment with the Secretary for a project to be carried



1 out under the program developed under subsection  
2 (a).”; and

3 (4) in subsection (d) by striking “\$5,000,000”  
4 and inserting “\$35,000,000”.

5 **SEC. 5063. ATLANTIC COAST OF NEW YORK.**

6 (a) DEVELOPMENT OF PROGRAM.—Section 404(a) of  
7 the Water Resources Development Act of 1992 (106 Stat.  
8 4863) is amended—

9 (1) by striking “processes” and inserting “and  
10 related environmental processes”;

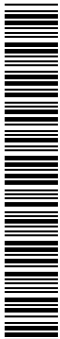
11 (2) by inserting after “Atlantic Coast” the fol-  
12 lowing: “(and associated back bays)”;

13 (3) by inserting after “actions” the following: “,  
14 environmental restoration or conservation measures  
15 for coastal and back bays,”; and

16 (4) by inserting at the end the following: “The  
17 plan for collecting data and monitoring information  
18 included in such annual report shall be fully coordi-  
19 nated with and agreed to by appropriate agencies of  
20 the State of New York.”.

21 (b) ANNUAL REPORTS.—Section 404(b) of such Act  
22 is amended—

23 (1) by striking “INITIAL PLAN.—Not later than  
24 12 months after the date of enactment of this Act,  
25 the” and inserting “ANNUAL REPORTS.—The”;



1           (2) by striking “initial plan for data collection  
2           and monitoring” and inserting “annual report of  
3           data collection and monitoring activities”; and  
4           (3) by striking the last sentence.

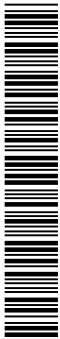
5           (c) AUTHORIZATION OF APPROPRIATIONS.—Section  
6   404(c) of such Act (113 Stat. 341) is amended by striking  
7   “and an additional total of \$2,500,000 for fiscal years  
8   thereafter” and inserting “\$2,500,000 for fiscal years  
9   2000 through 2002, and \$17,000,000 for fiscal years be-  
10   ginning after September 30, 2002,”.

11   **SEC. 5064. COLLEGE POINT, NEW YORK CITY, NEW YORK.**

12           In carrying out section 312 of the Water Resources  
13   Development Act of 1990 (104 Stat. 4639–4640), the Sec-  
14   retary shall give priority to work in College Point, New  
15   York City, New York.

16   **SEC. 5065. FLUSHING BAY AND CREEK, NEW YORK CITY,**  
17                           **NEW YORK.**

18           The Secretary shall credit toward the non-Federal  
19   share of the cost of the project for ecosystem restoration,  
20   Flushing Bay and Creek, New York City, New York, the  
21   cost of design and construction work carried out by the  
22   non-Federal interest before the date of the partnership  
23   agreement for the project if the Secretary determines that  
24   the work is integral to the project.



1 **SEC. 5066. LITTLE NECK BAY, VILLAGE OF KINGS POINT,**  
2 **NEW YORK.**

3 (a) IN GENERAL.—The Secretary may carry out a  
4 navigation project at Little Neck Bay (Hague Basin), Vil-  
5 lage of Kings Point, New York, sufficient to permit the  
6 safe operation of the vessel T/V Kings Pointer at all tide  
7 levels.

8 (b) REIMBURSEMENT.—The Secretary shall seek re-  
9 imbursement from the United States Merchant Marine  
10 Academy for the cost of the project carried out under this  
11 section.

12 **SEC. 5067. ONONDAGA LAKE, NEW YORK.**

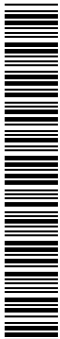
13 Section 573 of the Water Resources Development Act  
14 of 1999 (113 Stat. 372–373) is amended—

15 (1) in subsection (f) by striking “\$10,000,000”  
16 and inserting “\$30,000,000”;

17 (2) by redesignating subsection (f) and (g) as  
18 subsections (g) and (h), respectively; and

19 (3) by inserting after subsection (e) the fol-  
20 lowing:

21 “(f) NONPROFIT ENTITIES.—Notwithstanding sec-  
22 tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.  
23 1962d–5b(b)), for any project carried out under this sec-  
24 tion, a non-Federal sponsor may include a nonprofit enti-  
25 ty, with the consent of the affected local government.”.



1 **SEC. 5068. JOHN H. KERR DAM AND RESERVOIR, NORTH**  
2 **CAROLINA.**

3 The Secretary shall expedite the completion of the  
4 calculations necessary to negotiate and execute a revised,  
5 permanent contract for water supply storage at John H.  
6 Kerr Dam and Reservoir, North Carolina, among the Sec-  
7 retary and the Kerr Lake Regional Water System and the  
8 city of Henderson, North Carolina.

9 **SEC. 5069. STANLY COUNTY, NORTH CAROLINA.**

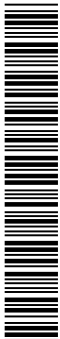
10 Section 219(f)(64) of the Water Resources Develop-  
11 ment Act of 1992 (114 Stat. 2763A–221) is amended by  
12 inserting “water and” before “wastewater”.

13 **SEC. 5070. PIEDMONT LAKE DAM, OHIO.**

14 In reconstructing the road on the Piedmont Lake  
15 Dam as part of the project for dam safety assurance, Pied-  
16 mont Lake Dam, Ohio, being carried out under section  
17 4 of the Flood Control Act of August 11, 1939 (53 Stat.  
18 1414–1415), the Secretary shall upgrade the condition of  
19 the road to meet standards applicable to public use roads  
20 in the State of Ohio. The incremental cost of upgrading  
21 the road to meet such standards shall be a non-Federal  
22 expense.

23 **SEC. 5071. WAURIKA LAKE, OKLAHOMA.**

24 The remaining obligation of the Waurika Project  
25 Master Conservancy District payable to the United States  
26 Government in the amounts, rates of interest, and pay-



1 ment schedules is set at the amounts, rates of interest,  
2 and payment schedules that existed, and that both parties  
3 agreed to, on June 3, 1986, and may not be adjusted,  
4 altered, or changed without a specific, separate, and writ-  
5 ten agreement between the District and the United States  
6 Government.

7 **SEC. 5072. COLUMBIA RIVER, OREGON.**

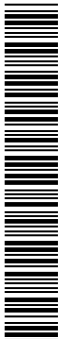
8 Section 401(b)(3) of Public Law 100–581 (102 Stat.  
9 2944), is amended by inserting “and Celilo Village, Or-  
10 egon” after “existing sites”.

11 **SEC. 5073. EUGENE, OREGON.**

12 (a) IN GENERAL.—The Secretary shall conduct a  
13 study to determine the feasibility of restoring the millrace  
14 in Eugene, Oregon, and, if the Secretary determines that  
15 the restoration is feasible, shall carry out the restoration.

16 (b) CONSIDERATION OF NON-ECONOMIC BENE-  
17 FITS.—In determining the feasibility of restoring the mill-  
18 race, the Secretary shall include non-economic benefits as-  
19 sociated with the historical significance of the millrace and  
20 associated with preservation and enhancement of re-  
21 sources.

22 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
23 authorized to be appropriated to carry out this section  
24 \$20,000,000.



1   **SEC. 5074. JOHN DAY LOCK AND DAM, LAKE UMATILLA, OR-**  
2                   **EGON AND WASHINGTON.**

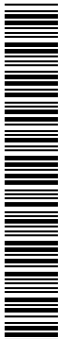
3       (a) IN GENERAL.—The Secretary shall pay up to  
4   \$2,500,000 to the provider of research and curation sup-  
5   port previously provided to the Federal Government as a  
6   result of the multi-purpose project, John Day Lock and  
7   Dam, Lake Umatilla, Oregon and Washington, authorized  
8   by section 101 of the River and Harbor Act of 1950 (64  
9   Stat. 167), and the several navigation and flood damage  
10   reduction projects constructed on the Columbia River and  
11   Lower Willamette River, Oregon and Washington.

12       (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
13   authorized to be appropriated to carry out this section  
14   \$2,500,000.

15   **SEC. 5075. LOWELL, OREGON.**

16       (a) IN GENERAL.—The Secretary may convey with-  
17   out consideration to Lowell School District, by quitclaim  
18   deed, all right, title and interest of the United States in  
19   and to approximately 3.32 acres of land and buildings  
20   thereon, known as Tract A-82, located in Lowell, Oregon,  
21   and described in subsection (b).

22       (b) DESCRIPTION OF PROPERTY.—The parcel of land  
23   authorized to be conveyed under subsection (a) is as fol-  
24   lows: Commencing at the point of intersection of the west  
25   line of Pioneer Street with the westerly extension of the  
26   north line of Summit Street, in Meadows Addition to Low-





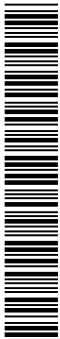
1 ell, as platted and recorded at page 56 of Volume 4, Lane  
2 County Oregon Plat Records; thence north on the west  
3 line of Pioneer Street a distance of 176.0 feet to the true  
4 point of beginning of this description; thence north on the  
5 west line of Pioneer Street a distance of 170.0 feet; thence  
6 west at right angles to the west line of Pioneer Street a  
7 distance of 250.0 feet; thence south and parallel to the  
8 west line of Pioneer Street a distance of 170.0 feet; thence  
9 east 250.0 feet to the true point of beginning of this de-  
10 scription in Section 14, Township 19 South, Range 1 West  
11 of the Willamette Meridian, Lane County, Oregon.

12 (c) TERMS AND CONDITIONS.—Before conveying the  
13 parcel to the school district, the Secretary shall ensure  
14 that the conditions of buildings and facilities meet the re-  
15 quirements of applicable Federal law.

16 (d) GENERALLY APPLICABLE PROVISIONS.—

17 (1) APPLICABILITY OF PROPERTY SCREENING  
18 PROVISIONS.—Section 2696 of title 10, United  
19 States Code, shall not apply to any conveyance  
20 under this section.

21 (2) LIABILITY.—An entity to which a convey-  
22 ance is made under this section shall hold the  
23 United States harmless from any liability with re-  
24 spect to activities carried out, on or after the date  
25 of the conveyance, on the real property conveyed.



1       The United States shall remain responsible for any  
2       liability with respect to activities carried out, before  
3       such date, on the real property conveyed.

4   **SEC. 5076. HAGERMAN'S RUN, WILLIAMSPORT, PENNSYL-**  
5                   **VANIA.**

6       The Secretary may rehabilitate the pumps at the  
7       project for flood damage reduction, Hagerman's Run, Wil-  
8       liamsport, Pennsylvania, at a total Federal cost of  
9       \$225,000.

10   **SEC. 5077. NORTHEAST PENNSYLVANIA.**

11       Section 219(f)(11) of the Water Resources Develop-  
12       ment Act of 1992 (113 Stat. 335) is amended by striking  
13       “and Monroe” and inserting “Northumberland, Union,  
14       Snyder, and Montour”.

15   **SEC. 5078. SUSQUEHANNOCK CAMPGROUND ACCESS ROAD,**  
16                   **RAYSTOWN LAKE, PENNSYLVANIA.**

17       (a) IMPROVEMENT OF ACCESS ROAD.—The Sec-  
18       retary may make improvements to the Susquehannock  
19       Campground access road at Raystown Lake, Pennsyl-  
20       vania.

21       (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
22       authorized to be appropriated to carry out this section  
23       \$500,000.



1 **SEC. 5079. UPPER SUSQUEHANNA RIVER BASIN, PENNSYL-**  
2 **VANIA AND NEW YORK.**

3 Section 567 of the Water Resources Development Act  
4 of 1996 (114 Stat. 2662–2663; 110 Stat. 3787–3788) is  
5 amended—

6 (1) in subsection (a)(2) by striking  
7 “\$10,000,000.” and inserting the following:  
8 “\$20,000,000, of which the Secretary may utilize  
9 not more than \$5,000,000 to design and construct  
10 feasible pilot projects during the development of the  
11 strategy to demonstrate alternative approaches for  
12 the strategy. The total cost for any single pilot  
13 project may not exceed \$500,000. The Secretary  
14 shall evaluate the results of the pilot projects and  
15 consider the results in the development of the strat-  
16 egy.”.

17 (2) in subsection (c)—

18 (A) in the subsection heading by striking  
19 “COOPERATION” and inserting “COOPERA-  
20 TIVE”; and

21 (B) by striking “cooperation” and insert-  
22 ing “cooperative”; and

23 (3) by adding at the end the following:

24 “(e) CREDIT.—The Secretary shall credit toward the  
25 non-Federal share of the cost of the project (i) the cost  
26 of design and construction work carried out by the non-



1 Federal interest before the date of the partnership agree-  
2 ment for the project if the Secretary determines that the  
3 work is integral to the project; and (ii) the cost of in-kind  
4 services and materials provided for the project by the non-  
5 Federal interest.”.

6 **SEC. 5080. WASHINGTON, GREENE, WESTMORELAND, AND**  
7 **FAYETTE COUNTIES, PENNSYLVANIA.**

8 Section 219(f)(70) of the Water Resources Develop-  
9 ment Act of 1992 (114 Stat. 2763A–221) is amended by  
10 striking “\$8,000,000” and inserting “\$13,300,000”.

11 **SEC. 5081. CANO MARTIN PENA, SAN JUAN, PUERTO RICO.**

12 The Secretary shall review a report prepared by the  
13 non-Federal interest concerning flood protection and envi-  
14 ronmental restoration for Cano Martin Pena, San Juan,  
15 Puerto Rico, and, if the Secretary determines that the re-  
16 port meets the evaluation and design standards of the  
17 Corps of Engineers and that the project is feasible, may  
18 carry out the project, at a total cost of \$130,000,000, with  
19 an estimated Federal cost of \$85,000,000 and an esti-  
20 mated non-Federal cost of \$45,000,000.

21 **SEC. 5082. BEAUFORT AND JASPER COUNTIES, SOUTH**  
22 **CAROLINA.**

23 The Secretary may accept from the Department of  
24 the Navy, and may use, not to exceed \$23,000,000 to as-  
25 sist the Beaufort Jasper Water and Sewage Authority,



1 South Carolina, with its plan to consolidate civilian and  
2 military wastewater treatment facilities.

3 **SEC. 5083. LAKES MARION AND MOULTRIE, SOUTH CARO-**  
4 **LINA.**

5 Section 219(f)(25) of the Water Resources Develop-  
6 ment Act of 1992 (113 Stat. 336; 114 Stat. 2763A-220)  
7 is amended—

8 (1) by striking “\$15,000,000” and inserting  
9 “\$35,000,0000”; and

10 (2) by inserting “wastewater treatment and”  
11 before “water supply”.

12 **SEC. 5084. UPPER BIG SIOUX RIVER, WATERTOWN, SOUTH**  
13 **DAKOTA.**

14 (a) IN GENERAL.—The Secretary shall review the  
15 project for flood damage reduction, Upper Big Sioux River  
16 basin, Watertown, South Dakota, as described in the re-  
17 port of the Chief of Engineers, dated August 31, 1994,  
18 and entitled “Watertown and Vicinity, South Dakota”  
19 and, if the Secretary determines that the project is fea-  
20 sible, may carry out the project, at a total cost of  
21 \$25,000,000.

22 (b) NON-FEDERAL SHARE.—

23 (1) IN GENERAL.—The non-Federal share of  
24 the cost of the review may be provided in the form  
25 of in-kind services and materials.



1           (2) CREDIT.—The Secretary shall credit toward  
2           the non-Federal share of the cost of the review the  
3           cost of planning and design work carried out by the  
4           non-Federal interest before the date of an agreement  
5           for the review if the Secretary determines that such  
6           work is integral to the review.

7   **SEC. 5085. FRITZ LANDING, TENNESSEE.**

8           The Secretary shall—

9           (1) conduct a study of the Fritz Landing Agri-  
10          cultural Spur Levee, Tennessee, to determine the ex-  
11          tent of levee modifications that would be required to  
12          make the levee and associated drainage structures  
13          consistent with Federal standards;

14          (2) design and construct such modifications;  
15          and

16          (3) after completion of such modifications, in-  
17          corporate the levee into the project for flood control,  
18          Mississippi River and Tributaries, authorized by the  
19          Act entitled “An Act for the control of floods on the  
20          Mississippi River and its tributaries, and for other  
21          purposes”, approved May 15, 1928 (45 Stat. 534–  
22          539), commonly known as the “Flood Control Act of  
23          1928”.



1 **SEC. 5086. MEMPHIS, TENNESSEE.**

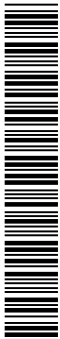
2       The Secretary shall review the aquatic ecosystem res-  
3 toration component of the Memphis Riverfront Develop-  
4 ment Master Plan, Memphis, Tennessee, prepared by the  
5 non-Federal interest and, if the Secretary determines that  
6 the component meets the evaluation and design standards  
7 of the Corps of Engineers and that the component is fea-  
8 sible, may carry out the component at a total Federal cost  
9 not to exceed \$5,000,000.

10 **SEC. 5087. TOWN CREEK, LENOIR CITY, TENNESSEE.**

11       The Secretary shall design and construct the project  
12 for flood damage reduction designated as Alternative 4 in  
13 the Town Creek, Lenoir City, Loudon City, Tennessee,  
14 feasibility report of the Nashville district engineer, dated  
15 November 2000, under the authority of section 205 of the  
16 Flood Control Act of 1948 (33 U.S.C. 701s), notwith-  
17 standing section 1 of the Flood Control Act of June 22,  
18 1936 (33 U.S.C. 701a; 49 Stat. 1570). The non-Federal  
19 share of the cost of the project shall be subject to section  
20 103(a) of the Water Resources Development Act of 1986  
21 (33 U.S.C. 2213(a)).

22 **SEC. 5088. TENNESSEE RIVER PARTNERSHIP.**

23       (a) IN GENERAL.—As part of the operation and  
24 maintenance of the project for navigation, Tennessee  
25 River, Tennessee, Alabama, Mississippi, and Kentucky,  
26 authorized by the first section of the Rivers and Harbors



1 Act of July 3, 1930 (46 Stat. 927), the Secretary may  
2 enter into a partnership with a nonprofit entity to remove  
3 debris from the Tennessee River in the vicinity of Knox-  
4 ville, Tennessee, by providing a vessel to such entity, at  
5 Federal expense, for such debris removal purposes.

6 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
7 authorized to be appropriated to carry out this section  
8 \$500,000.

9 **SEC. 5089. CLEAR CREEK AND TRIBUTARIES, HARRIS, GAL-**  
10 **VESTON, AND BRAZORIA COUNTIES, TEXAS.**

11 The Secretary shall expedite completion of the report  
12 for the project for flood damage reduction, ecosystem res-  
13 toration, and recreation, Clear Creek and tributaries, Har-  
14 ris, Galveston, and Brazoria Counties, Texas.

15 **SEC. 5090. HARRIS COUNTY, TEXAS.**

16 Section 575(a) of the Water Resources Development  
17 Act of 1996 (110 Stat. 3789; 113 Stat. 311) is amended  
18 by inserting before the period at the end the following:  
19 “, whether or not such works or actions are partially fund-  
20 ed under the hazard mitigation grant program of the Fed-  
21 eral Emergency Management Agency”.

22 **SEC. 5091. HARRIS GULLY, HARRIS COUNTY, TEXAS.**

23 (a) STUDY.—

24 (1) IN GENERAL.—The Secretary shall conduct  
25 a study to determine the feasibility of carrying out





1 a project for flood damage reduction in the Harris  
2 Gully watershed, Harris County, Texas, to provide  
3 flood protection for the Texas Medical Center, Hous-  
4 ton, Texas.

5 (2) USE OF LOCAL STUDIES AND PLANS.—In  
6 conducting the study, the Secretary shall use, to the  
7 extent practicable, studies and plans developed by  
8 the non-Federal interest if the Secretary determines  
9 that such studies and plans meet the evaluation and  
10 design standards of the Corps of Engineers.

11 (3) COMPLETION DATE.—The Secretary shall  
12 complete the study by July 1, 2004.

13 (b) CRITICAL FLOOD DAMAGE REDUCTION MEAS-  
14 URES.—The Secretary may carry out critical flood damage  
15 reduction measures that the Secretary determines are fea-  
16 sible and that will provide immediate and substantial flood  
17 damage reduction benefits in the Harris Gully watershed,  
18 at a Federal cost of \$7,000,000.

19 (c) CREDIT.—The Secretary shall credit toward the  
20 non-Federal share of the cost of the project the cost of  
21 planning, design, and construction work carried out by the  
22 non-Federal interest before the date of the partnership  
23 agreement for the project if the Secretary determines that  
24 such work is integral to the project.



1 (d) NONPROFIT ENTITY.—Notwithstanding section  
2 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–  
3 5b), a nonprofit entity may, with the consent of the local  
4 government, serve as a non-Federal interest for the project  
5 undertaken under this section.

6 **SEC. 5092. ONION CREEK, TEXAS.**

7 In carrying out the study for the project for flood  
8 damage, reduction, recreation, and ecosystem restoration,  
9 Onion Creek, Texas, the Secretary shall include the costs  
10 and benefits associated with the relocation of flood-prone  
11 residences in the study area for the project during the 2-  
12 year period before the initiation of the feasibility study to  
13 the extent the Secretary determines such relocations are  
14 compatible with the project. The Secretary shall credit to-  
15 ward the non-Federal share of the cost of the project the  
16 cost of relocation of such flood-prone residences incurred  
17 by the non-Federal interest before the date of the partner-  
18 ship agreement for the project if the Secretary determines  
19 that the relocation of such residences is integral to the  
20 project.

21 **SEC. 5093. PELICAN ISLAND, TEXAS.**

22 (a) IN GENERAL.—Section 108(a) of the Energy and  
23 Water Development Appropriations Act, 1994 (33 U.S.C.  
24 59hh(a)) is amended—



1           (1) by striking “The Secretary” and inserting  
2           the following:

3           “(1) AUTHORITY TO CONVEY.—The Secretary”;

4           (2) by adding at the end the following:

5           “(2) LETTER OF INTENT.—

6                   “(A) IN GENERAL.—The Secretary may  
7           provide a letter of intent to the city of Gal-  
8           veston for conveyance of less than 100 acres of  
9           the parcel described in subsection (a) for pri-  
10          vate development purposes if the Secretary re-  
11          ceives and approves a proposal by the city des-  
12          ignating the land which would be subject to  
13          such development.

14                   “(B) DISPOSITION OF SPOIL.—If the Sec-  
15          retary issues a letter of intent under subpara-  
16          graph (A), no additional spoil material may be  
17          placed on the land designated for private devel-  
18          opment for a period of at least 5 years from the  
19          date of issuance of the letter to provide the city  
20          of Galveston with an opportunity to secure pri-  
21          vate developers, perform appraisals, conduct en-  
22          vironmental studies, and provide the compensa-  
23          tion to the United States required for the con-  
24          veyance.”; and



1 (3) by aligning the remainder of the text of  
2 paragraph (1) (as designated by paragraph (1) of  
3 this subsection) with paragraph (2) (as added by  
4 paragraph (2) of this subsection).

5 (b) EXPIRATION DATE.—Section 108(e)(3) of such  
6 Act (33 U.S.C. 59hh(e)(3)) is amended by striking “date  
7 of the enactment of this Act” and inserting “date of enact-  
8 ment of the Water Resources Development Act of 2002”.

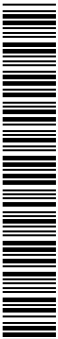
9 **SEC. 5094. FRONT ROYAL, VIRGINIA.**

10 Section 591(a)(2)(C) of the Water Resources Devel-  
11 opment Act of 1999 (113 Stat. 378) is amended by strik-  
12 ing “\$12,000,000” and inserting “\$22,000,000”.

13 **SEC. 5095. RICHMOND NATIONAL BATTLEFIELD PARK,**  
14 **RICHMOND, VIRGINIA.**

15 (a) IN GENERAL.—The Secretary is authorized to  
16 carry out bluff stabilization measures on the James River  
17 in the vicinity of Drewry’s Bluff, Richmond National Bat-  
18 tlefield Park, Richmond, Virginia.

19 (b) REIMBURSEMENT.—The Secretary shall seek re-  
20 imbursement from the Secretary of the Interior of any  
21 costs incurred by the Secretary in carrying out subsection  
22 (a).



1 **SEC. 5096. BAKER BAY AND ILWACO HARBOR, WASH-**  
2 **INGTON.**

3 The Secretary shall conduct a study of increased sil-  
4 tation in Baker Bay and Ilwaco Harbor, Washington, to  
5 determine if the siltation is the result of a Federal naviga-  
6 tion project (including diverted flows from the Columbia  
7 River) and, if the Secretary determines that the siltation  
8 is the result of a Federal navigation project, the Secretary  
9 shall carry out a project to mitigate the siltation as part  
10 of maintenance of the Federal navigation project.

11 **SEC. 5097. CHEHALIS RIVER, CENTRALIA, WASHINGTON.**

12 The Secretary shall credit toward the non-Federal  
13 share of the cost of the project for flood damage reduction,  
14 Chehalis River, Centralia, Washington, the cost of plan-  
15 ning, design, and construction work carried out by the  
16 non-Federal interest before the date of the partnership  
17 agreement for the project if the Secretary determines that  
18 the work is integral to the project.

19 **SEC. 5098. HAMILTON ISLAND CAMPGROUND, WASH-**  
20 **INGTON.**

21 The Secretary is authorized to plan, design, and con-  
22 struct a campground for Bonneville Lock and Dam at  
23 Hamilton Island (also know as "Strawberry Island") in  
24 Skamania County, Washington.



1   **SEC. 5099. PUGET ISLAND, WASHINGTON.**

2           The Secretary is directed to place dredged and other  
3   suitable material along portions of the Columbia River  
4   shoreline of Puget Island, Washington, between river miles  
5   38 to 47 in order to protect economic and environmental  
6   resources in the area from further erosion, at a Federal  
7   cost of \$1,000,000. This action shall be coordinated with  
8   appropriate resource agencies and comply with applicable  
9   Federal laws.

10   **SEC. 5100. BLUESTONE, WEST VIRGINIA.**

11           Section 547 of the Water Resources Development Act  
12   of 2000 (114 Stat. 2676–2678) is amended—

13           (1) in subsection (b)(1)(A) by striking “4  
14   years” and inserting “5 years”;

15           (2) in subsection (b)(1)(B)(iii) by striking “if  
16   all” and all that follows through “facility” and in-  
17   serting “assurance project”;

18           (3) in subsection (b)(1)(C) by striking “and  
19   construction” and inserting “, construction, and op-  
20   eration and maintenance”;

21           (4) by adding at the end of subsection (b) the  
22   following:

23           “(3) OPERATION AND OWNERSHIP.—The Tri-  
24   Cities Power Authority shall be the owner and oper-  
25   ator of the hydropower facilities referred to in sub-  
26   section (a).”;



1 (5) in subsection (c)(1)—

2 (A) by striking “No” and inserting “Un-  
3 less otherwise provided, no”;

4 (B) by inserting “planning,” before “de-  
5 sign”; and

6 (C) by striking “prior to” and all that fol-  
7 lows through “subsection (d)”;

8 (6) in subsection (c)(2) by striking “design”  
9 and inserting “planning, design,”;

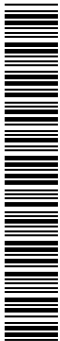
10 (7) in subsection (d)—

11 (A) by striking paragraphs (1) and (2) and  
12 inserting the following:

13 “(1) APPROVAL.—The Secretary shall review  
14 the design and construction activities for all features  
15 of the hydroelectric project that pertain to and affect  
16 stability of the dam and control the release of water  
17 from Bluestone Dam to ensure that the quality of  
18 construction of those features meets all standards  
19 established for similar facilities constructed by the  
20 Secretary.”;

21 (B) by redesignating paragraph (3) as  
22 paragraph (2);

23 (C) by striking the period at the end of  
24 paragraph (2) (as so redesignated) and insert-  
25 ing “, except that hydroelectric power is no



1 longer a project purpose of the facility. Water  
2 flow releases from the hydropower facilities  
3 shall be determined and directed by the Corps  
4 of Engineers.”; and

5 (D) by adding at the end the following:

6 “(3) COORDINATION .—Construction of the hy-  
7 droelectric generating facilities shall be coordinated  
8 with the dam safety assurance project currently in  
9 the design and construction phases.”;

10 (8) in subsection (e) by striking “in accord-  
11 ance” and all that follows through “58 Stat. 890”;

12 (9) in subsection (f)—

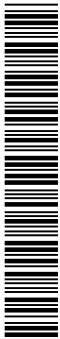
13 (A) by striking “facility of the inter-  
14 connected systems of reservoirs operated by the  
15 Secretary” each place it appears and inserting  
16 “facilities under construction under such agree-  
17 ments”;

18 (B) by striking “design” and inserting  
19 “planning, design”;

20 (10) in subsection (f)(2)—

21 (A) by “Secretary” each place it appears  
22 and inserting “Tri-Cities Power Authority”;  
23 and

24 (B) by striking “facilities referred to in  
25 subsection (a)” and inserting “such facilities”;





1 (11) by striking paragraph (1) of subsection (g)  
2 and inserting the following:

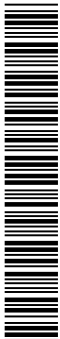
3 “(1) to arrange for the transmission of power  
4 to the market or to construct such transmission fa-  
5 cilities as necessary to market the power produced at  
6 the facilities referred to in subsection (a) with funds  
7 contributed by the Tri-Cities Power Authority; and”;  
8 (12) in subsection (g)(2) by striking “such fa-  
9 cilities” and all that follows through “the Secretary”  
10 and inserting “the generating facility”; and

11 (13) by adding at the end the following:

12 “(i) TRI-CITIES POWER AUTHORITY DEFINED.—In  
13 this section, the “Tri-Cities Power Authority” refers to the  
14 entity established by the City of Hinton, West Virginia,  
15 the City of White Sulphur Springs, West Virginia, and the  
16 City of Philippi, West Virginia, pursuant to a document  
17 entitled “Second Amended and Restated Intergovern-  
18 mental Agreement” approved by the Attorney General of  
19 West Virginia on February 14, 2002.”.

20 **SEC. 5101. WEST VIRGINIA AND PENNSYLVANIA FLOOD**  
21 **CONTROL.**

22 (a) CHEAT AND TYGART RIVER BASINS, WEST VIR-  
23 GINIA.—Section 581(a)(1) of the Water Resources Devel-  
24 opment Act of 1996 (110 Stat. 3790; 113 Stat. 313) is  
25 amended—



1 (1) by striking “flood control measures” and in-  
2 serting “structural and nonstructural flood control,  
3 streambank protection, stormwater management,  
4 and channel clearing and modification measures”;  
5 and

6 (2) by inserting “with respect to measures that  
7 incorporate levees or floodwalls” before the semi-  
8 colon.

9 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
10 581(c) of the Water Resources Development Act of 1996  
11 (110 Stat. 3791) is amended by striking “\$12,000,000”  
12 and inserting “\$90,000,000”.

13 **SEC. 5102. LOWER KANAWHA RIVER BASIN, WEST VIRGINIA.**

14 The Secretary shall conduct a watershed and river  
15 basin assessment under section 729 of the Water Re-  
16 sources Development Act of 1986 (33 U.S.C. 2267a) for  
17 the Lower Kanawha River Basin, in the counties of  
18 Mason, Putnam, Kanawha, Jackson, and Roane, West  
19 Virginia.

20 **SEC. 5103. CENTRAL WEST VIRGINIA.**

21 Section 571 of the Water Resources Development Act  
22 of 1999 (113 Stat. 371) is amended—

23 (1) in subsection (a)—

24 (A) by striking “Nicholas,”; and

25 (B) by striking “Gilmer,”; and



1 (2) by adding at the end the following:

2 “(i) NONPROFIT ENTITIES.—Notwithstanding sec-  
3 tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.  
4 1962d–5b(b)), for any project undertaken under this sec-  
5 tion, a non-Federal interest may include a nonprofit entity  
6 with the consent of the affected local government.

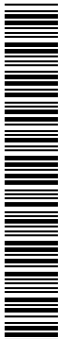
7 “(j) CORPS OF ENGINEERS EXPENSES.—Ten percent  
8 of the amounts appropriated to carry out this section may  
9 be used by the Corps of Engineers district offices to ad-  
10 minister projects under this section at 100 percent Fed-  
11 eral expense.”.

12 **SEC. 5104. SOUTHERN WEST VIRGINIA.**

13 (a) CORPS OF ENGINEERS.—Section 340 of the  
14 Water Resources Development Act of 1992 (106 Stat.  
15 4856; 113 Stat. 320) is amended by adding at the end  
16 the following:

17 “(h) CORPS OF ENGINEERS.—Ten percent of the  
18 amounts appropriated to carry out this section for fiscal  
19 years 2003 and thereafter may be used by the Corps of  
20 Engineers district offices to administer projects under this  
21 section at 100 percent Federal expense.”.

22 (b) SOUTHERN WEST VIRGINIA DEFINED.—Section  
23 340(f) of such Act is amended by inserting “Nicholas,”  
24 after “Greenbrier,”.



1 (c) NONPROFIT ENTITIES.—Section 340 of the  
2 Water Resources Development Act of 1992 (106 Stat.  
3 4856) is further amended by adding at the end the fol-  
4 lowing:

5 “(i) NONPROFIT ENTITIES.—Notwithstanding sec-  
6 tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.  
7 1962d–5b(b)), for any project undertaken under this sec-  
8 tion, a non-Federal interest may include a nonprofit entity  
9 with the consent of the affected local government.”.

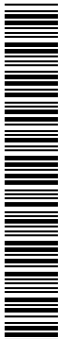
10 **SEC. 5105. CONSTRUCTION OF FLOOD CONTROL PROJECTS**  
11 **BY NON-FEDERAL INTERESTS.**

12 Section 211(f) of the Water Resources Development  
13 Act of 1996 (33 U.S.C. 701b–13) is amended by adding  
14 at the end the following:

15 “(9) BUFFALO BAYOU, TEXAS.—The project for  
16 flood control, Buffalo Bayou, Texas.

17 “(10) HALLS BAYOU, TEXAS.—The project for  
18 flood control, Halls Bayou, Texas.

19 “(11) ST. PAUL DOWNTOWN AIRPORT (HOLMAN  
20 FIELD), ST. PAUL, MINNESOTA.—The project for  
21 flood damage reduction, St. Paul Downtown Airport  
22 (Holman Field), St. Paul, Minnesota.”.



1   **SEC. 5106. BRIDGE AUTHORIZATION.**

2       There is authorized to be appropriated \$20,000,000  
3 for the construction of the bridge referred to in section  
4 1001(1).

5   **SEC. 5107. ADDITIONAL ASSISTANCE FOR CRITICAL**  
6                   **PROJECTS.**

7       Section 219(f) of the Water Resources Development  
8 Act of 1992 (106 Stat. 4835; 113 Stat. 335–337; 114  
9 Stat. 2763A–220–221) is amended by adding at the end  
10 the following:

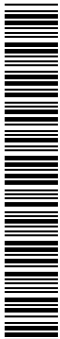
11           “(71) PLAQUEMINE, LOUISIANA.—\$7,000,000  
12 for sanitary sewer and wastewater infrastructure,  
13 Plaquemine, Louisiana.

14           “(72) CHARLESTON, SOUTH CAROLINA.—  
15 \$20,000,000 for wastewater infrastructure, including  
16 wastewater collection systems, Charleston, South  
17 Carolina.

18           “(73) CROSS, SOUTH CAROLINA.—\$2,000,000  
19 for water-related environmental infrastructure,  
20 Cross, South Carolina.

21           “(74) SURFSIDE, SOUTH CAROLINA.—  
22 \$8,000,000 for environmental infrastructure, includ-  
23 ing stormwater system improvements and ocean out-  
24 falls, Surfside, South Carolina.

25           “(75) NORTH MYRTLE BEACH, SOUTH CARO-  
26 LINA.—\$3,000,000 for environmental infrastructure,



1 including ocean outfalls, North Myrtle Beach, South  
2 Carolina.

3 “(76) TIA JUANA VALLEY, CALIFORNIA.—  
4 \$1,400,000 for water-related environmental infra-  
5 structure, Tia Juana Valley, California.

6 “(77) CABARRUS COUNTY, NORTH CAROLINA.—  
7 \$4,500,000 for water-related infrastructure,  
8 Cabarrus County, North Carolina.

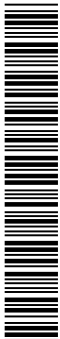
9 “(78) RICHMOND COUNTY, NORTH CAROLINA.—  
10 \$8,000,000 for water-related infrastructure, Rich-  
11 mond County, North Carolina.

12 “(79) UNION COUNTY, NORTH CAROLINA.—  
13 \$9,000,000 for wastewater infrastructure, Union  
14 County, North Carolina.

15 “(80) WASHINGTON, DISTRICT OF COLUMBIA.—  
16 \$35,000,000 for implementation of a combined  
17 sewer overflow long term control plan, Washington,  
18 District of Columbia.

19 “(81) SOUTHERN LOS ANGELES COUNTY, CALI-  
20 FORNIA.—\$15,000,000 for environmental infrastruc-  
21 ture for the groundwater basin optimization pipeline,  
22 Southern Los Angeles County, California.

23 “(82) INDIANAPOLIS, INDIANA.—\$6,430,000 for  
24 environmental infrastructure for Indianapolis, Indi-  
25 ana.



1           “(83) HENDERSON, NEVADA.—\$5,000,000 for  
2       wastewater infrastructure, Henderson, Nevada.

3           “(84) SENNETT, NEW YORK.—\$1,500,000 for  
4       water infrastructure, Town of Sennett, New York.

5           “(85) LEDYARD AND MONTVILLE, CON-  
6       NECTICUT.—\$7,113,000 for water infrastructure,  
7       Ledyard and Montville, Connecticut.

8           “(86) AWENDAW, SOUTH CAROLINA.—  
9       \$2,000,000 for water-related infrastructure,  
10      Awendaw, South Carolina.

11          “(87) ST. CLAIR COUNTY, ALABAMA.—  
12      \$5,000,000 for water-related infrastructure, St.  
13      Clair County, Alabama.

14          “(88) EAST BAY, SAN FRANCISCO AND SANTA  
15      CLARA AREAS, CALIFORNIA.—\$4,000,000 for a de-  
16      salination project to serve the East Bay, San Fran-  
17      cisco, and Santa Clara areas, California.

18          “(89) ATHENS, TENNESSEE.—\$16,000,000 for  
19      wastewater infrastructure, Athens, Tennessee.

20          “(90) WARWICK, NEW YORK.—\$1,200,000 for  
21      water storage capacity restoration, Warwick, New  
22      York.

23          “(91) KIRYAS JOEL, NEW YORK.—\$20,000,000  
24      for water-related infrastructure, Kiryas Joel, New  
25      York.



1           “(92) WHITTIER, CALIFORNIA.—\$8,000,000 for  
2       wastewater and water-related infrastructure, Whit-  
3       tier, California.”.

4           “(93) ANACOSTIA RIVER, DISTRICT OF COLUM-  
5       BIA AND MARYLAND.—\$20,000,000 for environ-  
6       mental infrastructure and resource protection and  
7       development to enhance water quality and living re-  
8       sources in the Anacostia River watershed, District of  
9       Columbia and Maryland.

10          “(94) DUCHESNE, IRON, AND UINTAH COUN-  
11       TIES, UTAH.—\$10,000,000 for water-related infra-  
12       structure, Duchesne, Iron, and Uintah Counties,  
13       Utah.”.

